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BULLETIN OF THE UNIVERSITY OF WISCONSIN

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THE DEVELOPMENT OF SENTIMENT ON NEGRO
SUFFRAGE TO 1860

BY

EMIL OLBRICH

A THESIS SUBMITTED FOR THE DEGREE OF MASTER OF ARTS
THE UNIVERSITY OF WISCONSIN

THE UNIVERSITY OF WISCONSIN
1912

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PREFATORY NOTE

This study was made during the academic year, 1905 to 1906, in partial fulfillment of the requirements for the degree of Master of Arts at The University of Wisconsin. Mr. Olbrich also treated, in the form of exceptionally complete and finished seminary reports, the whole subject of negro suffrage through the passage of the fifteenth amendment, and had planned to present these results, together with a study of its later phases, in the form of a doctoral dissertation. In the summer of 1906, Mr. Olbrich was drowned while bathing in Lake Mendota. This fragment of his work is obviously not precisely in the form in which Mr. Olbrich would have presented it to the public. In particular, more use would have been made of biographical and newspaper material.

The handling of the material actually used, however, was so thorough and sane as to make the work of editing it a real pleasure, and this reliability, combined with the substantial originality of the facts and conclusions, were felt to warrant publication.

The manner of treatment, moreover, exhibits a distinct individuality and force, in which are traceable the qualities which gave Mr. Olbrich a marked reputation as a debater, and which is particularly well suited to the subject matter. It is possible, however, that these considerations might not of themselves have induced the editor to take up the problem of publication, had it not been for his feeling of friendship for Mr. Olbrich, and his sense of the loss which the historical profession suffered by his death.

CARL RUSSELL FISH.

THE DEVELOPMENT OF SENTIMENT ON NEGRO SUFFRAGE TO 1860

CHAPTER I

COLONIAL PRACTICE AND REVOLUTIONARY PRINCIPLES, TO 1790

The imposition of negro suffrage on the Southern States by the Reconstruction measures of 1867 is regarded by eminent historians as a hasty act.¹ Without discussing here whether this view is justified, it may be asserted that to explain fully why the North forced the South to let the black man vote, one must trace the development of ideas on the African's right to choose his rulers through more than a hundred years of previous history.

PREREVOLUTIONARY RESTRICTIONS

Apparently the earliest record of negro voting comes from South Carolina. In 1701 and 1703 the elections for governor were characterized by irregularities; it was complained in both those years that many illegal votes were received from "several unqualified classes such as aliens, strangers, servants and free negroes."² On December 15, 1716, an act was passed which provided that "every white man and no other," possessing the requisite qualifications "should be capable to elect

¹ Rhodes. "If ever in our history there was a case of hasty man, it was in the Reconstruction legislation of Congress. The serious discussion began Jan. 3, 1867, and the act was passed over the President's veto March 2." *Mass. Hist. Soc. Proceedings*, 2nd Series, Vol. XVII, p. 466, Dec. 1904.

² A. E. McKinley, *The Suffrage Franchise in the Thirteen English Colonies in America*, pp. 137, 138.

or be elected members of the Commons House of Assembly."² Virginia, in 1705, forbade any negro, mulatto or Indian to "bear any office," "or be in any place of public trust or power," under penalty of £500, and £20 a month as long as he should continue to hold the position.⁴ That this drastic provision was directed at any real danger seems wholly improbable; for it was not until 1723 that the same classes were forbidden to vote, by a law which was perhaps the result of an attempted negro insurrection.⁵ When this latter law was referred to Richard West, Attorney of the Board of Trade, he wrote: "I cannot see why one freeman should be used worse than another, merely on account of his complexion—. It cannot be right to strip all persons of a black complexion from those rights which are so justly valuable to any freeman."⁶ After being in force for ten years or more, this act seems to have been repealed by proclamation, for it is found in the revisal of 1733, but not in that of 1766: and another act disfranchising negroes, mulattoes and Indians, was passed in 1762.⁷ North Carolina, in 1715, by "the earliest extant election law," provided that "No Negro, Mulatto or Indians shall be capable for voting for Members of Assembly."⁸ This exclusion was omitted from a law of 1734-5 which restricted the suffrage to freeholders, and the preamble of which recites that "it hath been found inconvenient for the freemen" to vote, and that the royal instruction had directed that only freeholders should vote for members of assembly. Whether the omission of the color discrimination was consciously designed to admit negroes, one cannot tell; but it was not re-adopted by North Carolina until 1835.⁹ Georgia, in 1761, passed an election law, of which the preamble stated that the manner and form of choosing members of the assembly

² *Ibid.*, p. 146.

⁴ *Ibid.*, p. 46. Hening, *Statutes at Large*, III. p. 251.

⁵ Hening, IV. pp. 133-134; McKinley, p. 36; Chandler, J. A. C., *The History of Suffrage in Virginia*, Johns Hopkins Historical Studies, XIX, Nos. 6 & 7, p. 12.

⁶ McKinley, p. 37 refers to Neill, *Virginia Carolorum*, 330 note I; Weeks, S. B., *The History of Negro Suffrage in the South*, *Pol. Sci. Quar.* IX, p. 673, refers to Summer's Works X, p. 193.

⁷ Weeks, *Ibid.*

⁸ McKinley, p. 91-2.

⁹ *Ibid.*, pp. 100, 101.

had never yet been determined, and which provided that "every free white man and no other," who had the proper qualifications, should be entitled to vote.¹⁰

No express exclusion of Africans from the suffrage existed in the laws of any other colony before the Revolution. It is not improbable that here and there people willingly acquiesced in the casting of an occasional ballot by a black man or mulatto. Yet the presence of slavery in every colony, and the general and deep-seated prejudice against negroes which then existed, make it seem impossible that courts and law making authorities consciously assumed or permitted negro suffrage.¹¹; probably few of the small number of free negroes acquired the requisite qualifications to vote even if admitted on a par with the whites, and certainly the omission of race discriminations was not the result of popular agitation in favor of colored inhabitants.

FIRST STATE CONSTITUTIONS

No such generalization can be made concerning the omission of color distinctions from the suffrage clauses of the first state constitutions. The Virginia Constitution of 1776 provided: "The right of suffrage in the election of members for both Houses shall remain as exercised at present." The law of 1762, therefore, remained in force until the Constitutional convention of 1830 adopted the words: "Every white male citizen."¹² In South Carolina, the election laws of 1721, 1745, and 1759 had continued the restriction of the right to vote to white men,¹³ and the constitution of 1776 provided: "The qualifications of electors shall be the same as required by law."¹⁴ The constitution of Georgia, adopted in 1777, confined the suffrage

¹⁰ *Ibid.*, p. 172; Weeks, p. 674; also Bishop, *History of Elections in Am. Colonies*, 279-287.

¹¹ Prof. Hart says: "In the colonies freed Negroes, like freed indentured white servants, acquired property, founded families and came into political community, if they had the energy, thrift and fortune to get together the necessary property." Reference lost. He gives no evidence, however; and even after the Revolution, as will be seen later, the negro's right to vote equally with white men was far from established.

¹² Poore, *Charters and Constitutions*, II, pp. 1910 and 1917.

¹³ McKinley, pp. 153, 154-55, 157; Weeks, p. 673.

¹⁴ Poore, II, p. 1618.

to "male white inhabitants."¹⁵ The Delaware legislature, in 1787, passed "an act to prevent the exportation of slaves and for other purposes," of which the eighth section provided that manumitted slaves should not vote, hold office, or give evidence against whites,¹⁶ and the constitution of 1792 employed the language, "Every white free man," to describe the voter. No other state constitution excluded negroes from the electorate during this period. As constitutions were framed by all the remaining states except Connecticut and Rhode Island, it would seem that, with the example of certain constitutions that forbade negro voting before them, they did not leave out the color discrimination through inadvertence or oversight. It is inferable from the Delaware law of 1787 which excluded manumitted slaves, that, if a negro were born free and were otherwise qualified, the legislators intended to let him vote. A similar inference is to be drawn from a Maryland law of June, 1783, entitled "an act to prohibit the bringing slaves into the State,"¹⁷ which provided that slaves might be manumitted under certain conditions, and "that no colored person freed thereafter, nor the issue of such should be allowed to vote, or to hold office, or to give evidence against any white, or to enjoy any other right of a freeman than the possession of property and redress at law or equity for injury to person or property."¹⁸

An interesting and curious evidence of the African's appre-

¹⁵ *Ibid.*, I. p. 379.

¹⁶ Hurd, J. C., *The Law of Freedom and Bondage in the United States*, Vol. II. p. 74.

¹⁷ *Laws of Maryland*, 1682-1799, vol. II. 1783-1799. Ch. 67 Sec. 5, passed Dec. 31, 1796. The book is not paged, but the laws are arranged in chronological order. See also in volume I., ch. 23, passed June 1, 1783, where the title of the act only, is given.

¹⁸ Brackett, J. R., *The Negro in Maryland*. p. 186; also Weeks, p. 677. Neither gives authority for the statement. Weeks probably quoted from Brackett, as he does on other points. The law of Dec. 31, 1796, referred to in the preceding note, provides that no manumitted slave, "shall be entitled to the privilege of voting at elections, or of being elected or appointed to any office of profit or trust, or to give evidence against any white person, or shall be recorded as competent evidence to manumit any slave petitioning for freedom." No mention is made of the *issue* of manumitted slaves, and the provisions differ in other respects from those quoted by Brackett. If Brackett had merely given the wrong date for the law of 1796, he would not have departed so widely from its provisions. I, therefore, infer that he had access to another, and as the detailed nature of his citation would indicate, authoritative source.

ciation of the elective franchise, even in slavery, which must have made some of the whites consider the question of negro suffrage, is found in a peculiar slave custom in colonial Rhode Island and Connecticut. In both colonies the imitative negroes followed the example of the whites on election day and elected a governor. In Rhode Island, where slaves were still numerous, each town held its own election to which the slaves looked forward with great anxiety and which is said to have been marked by as violent and acrimonious party spirit as among the whites. It was a day of festivity for the blacks; the owners, in accordance with their wealth, were expected to furnish their slaves with money and fine apparel and the negroes assumed power and pride and rank according to their master's station in life. As the number of slaves diminished, these mock elections became less general and, toward the end of the 18th century, finally disappeared.¹⁹ In Connecticut, the earliest evidence of the custom is the record that, in 1766, after having held the office ten years, Governor Cuff resigned in favor of John Anderson. There negro elections continued into the nineteenth century after the negroes were freed, and their last governor held office down to within a few years of the civil war. The notices of these elections in early days were addressed to "negro men," but later to "colored gentlemen." On the day of the inauguration of governor of the state, they followed the whites to the capital, enjoyed the military parades and the procession to hear the election sermon, elected a governor, chosen for physical prowess, and a lieutenant-governor, inaugurated them with great ceremony and with shouting, laughing and singing, listened to an address from their governor, ate a dinner, and then danced until noon of the next day.²⁰

MASSACHUSETTS, 1780

The best proof that the omission of a color discrimination with regard to the right to vote was not accidental is found in

¹⁹ Johnson, W. D., *Slavery in Rhode Island*, *Rhode Island Hist. Soc. Pub.*, new series, vol. 2, 1894, p. 139-140. He quotes Updike, "*History of the Narragansett Church*" p. 77.

²⁰ *Connecticut as a Colony and as a State*, Forest Morgan, Ed.-in-Chief, volume II, p. 259.

the case of Massachusetts. James Otis in his speech on the Writs of Assistance in 1761, had made John Adams shudder at the consequences of his strong assertion of negro rights.²¹ Anti-slavery sentiment, however, was growing, and its progress was accelerated by the doctrines of Revolutionary times, but the champions of the negro were not strong enough to secure for him the elective franchise. The question of negro suffrage came out in the legislature-convention of 1777-1778, and, after a long debate, the opponents of negro equality were victorious, and retained in the suffrage clause the words: "Excepting Negroes, Indians and Mulattoes."²² Great interest attaches to the discussion as the first recorded argument by Americans on the subject of negro suffrage. The friends and opponents of negro equality ridiculed each other's ideas in doggerel verse.²³ Dr. Gordon asks if it is not ridiculous, inconsistent, and unjust to exclude freemen from voting because of their color.²⁴ "Why not disqualified for being long-nosed, short-faced, or higher or lower than five feet nine? A black, tawny, or reddish skin is not so unfavorable an hue to the genuine son of liberty, as a tory complexion."²⁵ He added that "the disqualification of mulattoes conflicted with the proposal in the Confederation, that the free inhabitants of each state shall, upon removing into any other State, enjoy all the privileges and immunities belonging to the free citizens of such State." Mr. John Bacon, a member of the convention, published the substance of his speech for negro rights, in which he answered the arguments of those who opposed negro equality.²⁶ The suffrage discrimination, he declared, sapped "the foundation of that liberty which we are now defending," it violated the fundamental principle of no taxation without representation; and "the persons excepted in the clause now before the Convention, would be justified in making the same opposition against us which we are

²¹ Moore, G. H., *Notes on the History of Slavery in Massachusetts*, p. 110.

²² *Ibid.*, pp. 187-191.

²³ In the *Independent Chronicle and Universal Advertiser* of January 29, February 12th and 19th 1778, referred to by Moore, p. 186.

²⁴ Jan. 8, 1778, Moore, p. 186.

²⁵ If the word "rebel" were put in place of "tory," the last sentence could be paralleled by many score from the discussions of the Reconstruction period.

²⁶ Sept. 23, 1779, Moore, pp. 187-191.

making against Great Britain." To the reasoning that the protection which the laws gave negroes was equivalent to the taxes they paid, he answered that Great Britain supported her claim to tax America on precisely the same ground, and that negroes had been given no voice in deciding whether the value of the privileges secured to them by the laws was equivalent to the taxes which were collected from them. "We set a price upon our own commodity, and oblige them to give it whether they will or not." On the other side, it had been said that Great Britain had desired to tax America without taxing herself, while Massachusetts was taxing negroes and white people equally; but what warrant, he asked, did the negroes have, when taxed "as persons who do not belong to our community," that they would not be made to bear exorbitant taxation. He denied that negroes were foreigners; most of them, he declared, were born in this country; the present constitution guaranteed them equal rights and privileges which could not be wrested from them except by mere power.

Perhaps the most significant argument that he mentioned as having been advanced by his opponents was: "That by erasing this clause out of the constitution, we shall greatly offend and alarm the Southern States." This he denied: "Will they be offended or alarmed that we do not violate those essential rights of human nature which they have taken the most effectual pains to establish and secure." The same argument is referred to by Dr. Gordon in a letter of April 2nd, 1778,²⁷ in which he said: "It hath been argued, that were negroes admitted to vote, the Southern States would be offended.... This would be to suppose the Southern States as weak as the argument." In this letter he replied to another almost equally important watchword of the opponents of negro rights, that negro suffrage would induce negro immigration: "Will not the Negroes be as likely to crowd into the State, if they may be free, though they are debarred the right of voting?" If any are afraid that the Bay inhabitants will,... at some distant period, become Negroes, Indians or Mulattoes, let the General Court guard against it by future Acts of the State." This ar-

²⁷ Published in *The Continental Journal*, April 9th, 1778, Moore, p. 192.

gument was made and answered again and again in the Northern States whenever negro suffrage was discussed during the next century. He said the word "mulatto" should have been defined; there was danger that whites with the slightest taint of negro or Indian blood would be excluded. "The complexion of the 5th Article," declared Dr. Gordon, "is blacker than any African; and if not altered, will be an everlasting reproach upon the present inhabitants; and evidence to the world that they mean their own rights only, and not those of mankind in their cry for liberty."²⁸

When the Constitution was submitted to the people, there was great difference of opinion among them. Boston and Cambridge voted it down unanimously, but not apparently because of the suffrage clause. Dartmouth favored the equal recognition of the negroes, but at the same time recorded that there was "no Negro, Indian or Mulatto" among her voters.²⁹ The constitution was rejected, but the exclusion of negroes from the right to vote had little to do with this result and the attitude of the convention which inserted the discrimination probably represented the attitude of the people at large. It is true that perhaps from a sense of shame no color distinction was put into the constitution of 1780. Yet the friends of the negro failed even to secure a constitutional provision abolishing slavery,³⁰ and it was only through a series of court decisions during the following decade, in which the courts gave the broadest interpretation to the clause of the Bill of Rights which asserted: "All men are born free and equal," that the Massachusetts negroes were all set free.³¹ It is probable that in most localities popular sentiment kept negroes from voting, even when they had the requisite property qualification.³² In the town of Dartmouth, which, in 1778, when it had no colored voters, declared in favor of equal recognition of negroes with respect to the elective franchise, the colored inhabitants resisted the payment

²⁸ Moore, pp. 193, 194.

²⁹ Moore, pp. 195, 196.

³⁰ Locke, M. S., *Anti-Slavery in America, (1619-1808)*, Radcliffe College Monographs, No. II, p. 80.

³¹ *Ibid.*, p. 80; Moore, pp. 200 *et seq.*

³² Moore, p. 196.

of taxes and, in April 1781, they applied to the selectmen to lay before the voters of the town the question "whether all free negroes and mulattoes shall have the same privileges in this said town of Dartmouth as the white people have, respecting places of profit, choosing of officers, and the like, together with all other privileges in all cases that shall or may happen to be brought in this our said town of Dartmouth."³³ It is probable that, as in other states, negroes gradually and through custom acquired the privilege of voting here and there in Massachusetts but not in all places. By 1795, some of them actually did vote, and one mulatto had served as town clerk in a country town. But opinion was divided as to whether men of color were legally entitled to the privileges of an elector.³⁴ Evidence of the prejudice that must have kept some blacks from voting is found in a law of 1788, which warned all Africans or negroes, unless they were subjects of the Emperor of Morocco or could show that they were citizens of one of the United States by a certificate from the Secretary of the state of which they were citizens, to depart from the Commonwealth within two months. If they refused, they were to be subjected to imprisonment and whipping and the punishment was to be indefinitely repeated until they learned obedience.³⁵ The only recorded enforcement of this law occurred in 1800. The police collected a long list of the names of persons coming within the scope of the law and published the names in the Massachusetts Mercury for September 16, and warned the negroes mentioned to leave the state by October 10. One-fourth of the prescribed negroes were members of an African Benevolent Society whose avowed purpose was to behave themselves "as true and faithful *citizens* of the Commonwealth." Obviously the police exceeded the authority given them by the law; but it is possible that this drastic action was stimulated by a temporary fear of a negro uprising.³⁶

³³ Moore, p. 198, quotes Nell's *Colored Patriots of the Revolution*, 87-90. Moore says he finds no evidence of Nell's statement that these proceedings established the negro's right to vote.

³⁴ Moore, 199, refers to *Mass. Hist. Soc. Coll.* Vol. I. ser. 1V, p. 208.

³⁵ Moore, p. 228.

³⁶ Moore, pp. 231-236.

NEW YORK, 1785

In New York as in Massachusetts, most of the people opposed negro suffrage and a minority favored it. On the 21st of March, 1785, the New York Council of Revision vetoed a bill entitled: "An act for the gradual abolition of slavery within this State." The members of the council present were Governor Clinton, Justice Hobart and Chancellor Livingston. The latter wrote out their objections. 1. Because the last clause of the bill enacts that no negro, mulatto or mustee shall have a legal vote in any case whatsoever.....*"The bill having in other instances placed the children that shall be born of slaves in the rank of citizens, agreeable both to the spirit and the letter of the Constitution, they are as such entitled to all the privileges of citizens, nor can they be deprived of these essential rights without shocking those principles of equal liberty which every page in that Constitution labors to enforce.* 2. Because it holds up a doctrine which is repugnant to the principles on which the United States justify their separation from Great Britain, and either enacts what is wrong or supposes that those may rightfully be charged with the burdens of government who have no representative share in imposing them. 3. Because this class of disfranchised and discontented citizens, who at some future period may be both numerous and wealthy, may under the direction of ambitious and factious leaders, become dangerous to the State and effect the ruin of a Constitution whose benefit they are not permitted to enjoy." 4. Because it "lays the foundation of an aristocracy of the most dangerous and malignant kind;" the term "mustee" is indefinite; let but a few colored people intermarry with the whites, and in two hundred years hardly a fiftieth of the people will be without some share of negro blood and all the rest will be excluded from the elective franchise. 5. "Because the last clause of the bill being general, deprives those black, mulatto, and mustee *citizens who have therefore been entitled to vote, of this essential privilege: and under the idea of political expediency, without their having been charged with any offence, disfranchises them in direct violation of the established rules of justice, against the letter and spirit of the Constitution, and tends to support a*

doctrine, which is inconsistent with the most obvious principles of government, that the Legislature may arbitrarily dispose of the dearest rights of their constituents.”

In spite of this vigorous protest, the Senate passed the bill over the veto, but the required two-thirds majority could not be secured in the House. The minority in favor of negro suffrage was, therefore, by no means inconsiderable. It is a notable fact that, suffrage excepted, the bill “placed the children that shall be born of slaves in the rank of citizens;” and the fifth objection indicates that probably a few free negroes or mulattoes were in the habit of voting without molestation. One must conclude that, at this early date, the sentiment in favor of the negro was fully as strong in New York as in Massachusetts.³⁷

PENNSYLVANIA, 1790

In the Pennsylvania constitutional convention of 1789-1790, a debate arose on using the word “white” to describe the electors. The use of this word was strongly opposed by Albert Gallatin and it was left out.³⁸ Whether Gallatin made his motion

³⁷ Street, A. B.: *The Council of Revision of the State of New York, its History; a History of the Courts with which its members were connected; Biographical Sketches of its Members; and its Vetoes*, pp. 268-269. Referred to by Jeffrey R. Brackett in “*The Status of the Slave*,” in J. F. Jameson, *Essays in the Constitutional History of the United States*, p. 298. This in turn is referred to by M. S. Locke: *Anti Slavery in the U. S.*, p. 123. Mr. Olbrich’s conclusion that the sustaining of the veto was due entirely to the desire for negro suffrage, does not necessarily follow.

³⁸ I believe the evidence fully warrants these statements. In the convention of 1837-38: one of the members, Mr. McCahen, said he had been informed that a committee of the Convention of 1789-90 had presented a suffrage article containing the word “white”; that Albert Gallatin thought “white” was too indefinite because it might exclude men, who, like himself, were of dark complexion, and that on his suggestion it was stricken out. *Pa. Convention debates*, 1838, III., 87. The same account is given by Chief-Justice Gibson in his opinion in the case of *Hobbs vs. Fogg*, brought in 1837 and decided in 1838, *Watts’ Reports*, VI., 559. Another member of the convention of 1837-38, Mr. Cope, said that he had attended some of the meetings of the convention of 1789-90: “On one of those occasions I found the floor occupied by a member, whose appearance and peculiar French accent were well calculated to rivet my attention—his visage was sharp, his eye keen, his manner animated, his complexion sallow. As he spoke, his body inclined forward—his right arm was extended, and his forefinger bent as if to grapple with his subject. He was declaiming against the introduction of the word ‘white’ as a qualification for a voter—and said among other things, that if the word were so introduced, he did not know but he himself might be excluded from voting. The whole circumstance made a deep impression on my mind. I inquired the name of the member and

and his speech in behalf of Caucasians of dark complexion or on behalf of Africans, the omission of the color distinction did not give negroes an undoubted and established right to vote. It was the recollection of a member of the Convention of 1837-38, Mr. Hopkinson, that soon after the adoption of the constitution of 1790, the question of the negro's right to the elective

received for answer, that he was Albert Gallatin, delegate from the county west of the Alleghany Mountains." *Pa. Con. Debates*, 1838, IX., 97-98. Another member, Mr. Darlington, produced a letter in which Gallatin confirmed the prevailing impression. The letter, which is not printed in Henry Adams's edition of the *Works of Gallatin*, nor listed by him among the unpublished letters of Gallatin, is as follows:

New York, December 21, 1837.

Sir:—Yours of the 19th instant, has been received. You apply to me for information respecting the share I took forty-seven years ago in framing that article of the constitution of Pennsylvania, which regulates the right of suffrage.

"I have already been addressed on that subject in a general way, but not particularly in reference to the point to which you allude. I cannot, in my seventy-seventh year, sufficiently rely on an impaired memory, to assert positively what took place in the course of a discussion embracing a great variety of amendments approved, rejected, repeatedly modified or withdrawn. Yet I have a lively recollection that, in some stage of the discussion, the proposition pending before the convention, limited the right of suffrage to 'free white citizens' &c and that the word 'white' was stricken out on my motion.

Permit me, however, to observe that the minutes of the convention, both proper and in the committee of the whole, were published at the time, and are incontrovertible evidence of all the facts on which evidence may be wanted. It seems almost impossible that some copies should not have been preserved among the legislative records, or in some public or private library.

I am respectfully,

Your obedient servant

ALBERT GALLATIN.

Mr. Joseph Parish, Philadelphia.

Pa. Convention debates, 1837-38,
X. 45.

The journals of the convention of 1789-90 contain no reference whatever to any such proceedings as Mr. Gallatin mentions in his letter; but Mr. Darlington pointed out that for about a week in December, 1790, the minutes of the committee of the whole merely record for each day that the committee repeated further progress and asked leave to sit again. *Ibid.*, 44. A few moments examination of the journal will convince anyone that Mr. Darlington was right and Mr. Gallatin mistaken in accepting the journal as conclusive evidence. See "*Conventions and Constitutions of Pennsylvania*, Harrisburg, 1825," 163-166. Henry Adams found among Gallatin's papers relating to the convention of 1789-90; "A memorandum of his motion in regard to the right of suffrage, by virtue of which every freeman who has attained the age of twenty-one years and been a resident and inhabitant during one year next before the days of election; every naturalized freeholder, every naturalized citizen who has been assessed for state or county taxes for two years before election day, or who had resided ten years successively in the state, should be entitled to the suffrage, paupers and vagabonds only being excluded." Adams, H. *The Life of Albert Gallatin*, p. 81.

franchise was raised at a heated election in Philadelphia, that the judges of the election took the opinion of three lawyers, two of whom had been members of the convention of 1789-90, and that all three concurred in affirming that negroes were entitled to vote.³⁹ In deciding a case which was brought in 1837, Chief Justice Gibson cited as an authoritative precedent an unreported decision of about the year 1795, in which, according to the remembrance of James Gibson, Esquire, of the Philadelphia bar who had declined an invitation to be concerned in the argument, the High Court of Errors and Appeals had decided that negroes did not have the right of suffrage.⁴⁰ The question seems to have been little thought of for more than forty years and was still undecided in 1838.

THE ARTICLES OF CONFEDERATION

The central government also was obliged to deal with the negro question. When the Continental Congress was discussing the Articles of Confederation, New Jersey objected to the proposed ninth article, which provided that the requisitions for the land forces should be apportioned among the several states according to the number of their *white* inhabitants. The grounds of objection were stated in "The Representation of the Legislative Council of the State of New Jersey,"⁴¹ which Congress took into consideration on June 5, 1778. Since "all men are created equal," it follows that "all the inhabitants of every society, be the color of their complexion what it may, are bound to promote the interests thereof according to their respective abilities." In the slave states, the performance of nearly all manual labor by the negroes leaves more whites at liberty to do military service than in the free states. Therefore requisitions of land forces should be in proportion to all the inhabitants. The motion to strike out *white* was, however, lost.⁴² A more interesting controversy arose on the same day over the fourth article which provided that "the free inhabitants of each of these States.....shall be entitled to all privileges

³⁹ *Pa. Con. debates*, 1837-38, X., p. 97.

⁴⁰ *Hobbs v. Fogg*, p. 6, *Watts*, p. 553.

⁴¹ *Secret Journals of Congress, Domestic Affairs*, I., pp. 374, 378.

⁴² *Ibid.*, p. 381.

and immunities of free citizens in the several states.” South Carolina moved to insert “white” between the words “free inhabitants,” and also to insert after “several states” the words “according to the law of such states respectively for the government of their own free white inhabitants.” Both these amendments were defeated; eight states voted against them, one state was divided and two states voted for them.⁴³ Congress therefore was not willing to refuse negroes the “privileges and immunities of free citizens.” That the right to vote was included among them was, as we have seen, the opinion of Dr. Gordon of Massachusetts; but the question was not then a settled one. The Confederation Congress, however, had to pass on the qualifications of electors in organizing the Northwest Territory; and in the Ordinance of 1787, no color discrimination was inserted.⁴⁴

INFLUENCE OF DECLARATION OF INDEPENDENCE

It is evident that the Revolutionary notions that all men are created equal, that taxation without representation is tyranny, and that all governments derive their just powers from the consent of the governed, had a considerable effect on the legislation that dealt with the negro in this period. Black men from every state served in the American armies;⁴⁵ this fact no doubt had some influence in legislative councils. It is practically certain that the vast majority of white people in every colony would have been unwilling to let negroes vote in considerable numbers, but, as long as the question of negro suffrage was largely theoretical, as long as the absence of restrictions was likely to occasion no real inconvenience, many law makers and constitution makers were averse to marring their work by provisions inconsistent with the watchwords of the Revolution, and therefore permitted themselves to be influenced by sentiments similar to those which made the framers of the Federal Constitution unwilling that its text should be sullied by the name of slavery.

⁴³ *Ibid.*, p. 382.

⁴⁴ Poore, I., p. 430.

⁴⁵ Livermore, G., *An Historical Research*, etc., *Mass. Hist. Soc. Proc.*, vol. IV., pp. 86-248. Aug. 1862; Nell, W. C., (Colored), *The Colored Patriots of the American Revolution*.

CHAPTER II

A PERIOD OF REACTION, 1790 TO 1838

The first three States admitted to the Union under the Constitution came in with no color distinction in their suffrage provisions, Vermont in 1790, Kentucky in 1792, and Tennessee in 1796. Kentucky's constitution of 1792, declared that all men, when they form a social compact, are equal; but the new constitution of 1799 recognized equality in the foundation of a social compact only in the case of "*free men*," and confined the right to vote to free white male citizens.¹ Two years later Maryland, which had passed in 1783 and re-enacted in 1796, a law forbidding emancipated slaves to exercise the elective franchise,² adopted, by a bill which passed both houses of the legislature in November 1801, a constitutional amendment which provided that only free white male citizens should be electors.³ This alteration was confirmed in November 1802, and the word "*white*" was retained in another suffrage amendment adopted in 1809 and confirmed in 1810.⁴ Perhaps the amendment of 1801-1802 was not strictly enforced; for as late as 1810, evidence was given in Baltimore county court that a certain free black had been in the habit of voting at elections; and it is recorded that Greenbury Morton, a cousin of the famous negro clock-maker, Benjamin Banneker, did not know of the law of 1809 until he attempted to vote at the polls in Baltimore County, and that when his vote was refused, "he addressed the crowd in a strain of true and passionate eloquence,

¹ Poore I., pp. 651, 654, 655, 670.

² See ante p. 10.

³ Scharf, J. T., *History of Maryland*, Vol. II., p. 611.

⁴ Maxey's *Laws of Maryland, Revision of 1811*, Vol. III., pp. 53, 54. See also *Revision* ordered in 1817, Vol. III., pp. XXVII, XXVIII; and Vol. IV, Ch. 83, laws of 1809, and Ch. 33 of laws of 1810.

which kept the audience, that the election had assembled for him, in breathless attention while he spoke."⁵

OHIO, 1802

In 1802, the same year that the Maryland amendment was confirmed, a constitution was adopted in Ohio. It cannot be definitely determined whether free negroes had ever voted there under the suffrage provision of the Ordinance of 1787. One writer says that under the territorial government they voted for delegates to the convention which framed the constitution.⁶ Yet in his dissenting opinion in the case of *Thacker v. Hawk* in 1842, Justice Read, of the Supreme Court of Ohio, declared that it was a fact familiar to old inhabitants of the territory that "no negro, or person of any degree of black blood, was ever permitted to vote" during the territorial period.⁷ During the session of the convention, various negro questions were warmly and even bitterly discussed.⁸ Accounts vary, but it is certain that the disfranchisement of negroes was carried only by a very narrow majority. It is said that at first an article was adopted without a color distinction, but that on reconsideration, the discrimination was adopted by the casting vote of the president of the convention, Mr. Tiffin, a Virginian, who afterward became the first governor of the state.⁹

NEW JERSEY, 1807

During all these years, New Jersey had been having a unique experience. Her constitution of 1776 provided "that all inhabitants of this colony" who had the requisite property,

⁵ Brackett, J. R., *The Negro in Maryland*, p. 186; *Memoirs of Benjamin Banneker*, read May 1, 1845, by John H. Latrobe, Esq., p. 6. Maryland Hist. Soc. Pub., 1845.

⁶ Smith, W. H., *A Political History of Slavery*, I., p. 13.

⁷ 11 Ohio, p. 376.

⁸ *Transactions of the Historical and Philosophical Society of Ohio*, Part Second, Vol. I., p. 111. Letter of Judge Burnet.

⁹ *Ibid.*, p. 109; Smith, W. H., *Op. cit.*; King, R., *Ohio*, in *American Commonwealths*; *Ohio Con. Reports.*, 1850-51, II., p. 1180; *Cong. Globe*, 3 S. 40 C., App, 97.

age, and residence qualifications should be entitled to vote.¹⁰ This clause was interpreted literally. An act of 1790 regulating elections, used the words "he or she" in referring to voters,¹¹ and a similar law of 1797 provided that "every voter shall openly and in full view deliver his or her ballot (which shall be a single written ticket, containing the names of the person or persons for whom he or she votes) to the said judges."¹² It was recognized by the Supreme Court that negroes were entitled to vote. In 1794, the court held a certain election illegal because "the bare word of one man that he was qualified,—the affirmation of a black man that he had been manumitted was held sufficient to entitle these persons to vote." The implication is that the suffrage would not be withheld from a negro who could give clear evidence that he had been emancipated. In 1797, there were seventy-five votes cast by women in a single town. Women voted generally throughout the state in the presidential election of 1800, and in 1802 a candidate for the Legislature from Hunterdon county carried a closely contested election by the votes of several female negroes. At a local election in Essex county, in 1870, for the location of a county seat, women as well as men were implicated in extensive frauds.¹³ At last, the Legislature decided to interpret the constitution more strictly. February 22, 1807, a law was passed with the following preamble: "Whereas doubts have been raised, and great diversities in practice obtained throughout the state in regard to the admission of *aliens, females and persons of color, or negroes* to vote in elections, as also in regard to the mode of ascertaining the qualifications of voters in respect to estate.—And whereas, it is highly necessary to the safety, quiet, good order and dignity of the state, to clear up the said doubts by an act of the representatives of the people, declara-

¹⁰ Poore, II., p. 1311.

¹¹ A paragraph from the *New York Tribune*, quoted in McPherson's *History of Reconstruction*, p. 258, and re-quoted in Foster's *Commentaries on the Constitution*, Vol. I., 320.

¹² *Statutes of New Jersey*, pp. 1821, 275; or Patterson's *Laws of New Jersey*, Newark MDCCC, pp. 320; Cooley, H. S., *A Study of Slavery in New Jersey*, Johns Hopkin's *Historical Studies*, Vol. XIV., p. 464; *Law Reports*, I, Coxe, p. 244. Mr. Cooley's page reference and the date he assigns do not correspond with the edition of Coxe's *Reports*, which I consulted.

¹³ McPherson, E., *History of Reconstruction*, p. 258.

tory of the true sense and meaning of the constitution, and to ensure its just execution in these particulars, according to the intent of the framers thereof." In view of these considerations it was enacted that no one should vote, "unless such person be a *free, white, male citizen*."¹⁴ The color discrimination was repeated in a law of June 1, 1820,¹⁵ and in 1844 it was made a part of the constitution.¹⁶

CONNECTICUT, 1818, MAINE, 1819, MASSACHUSETTS, 1820

The only New England State that forbade negro suffrage was Connecticut. In the Convention of 1818, the Committee to whom the subject of drafting a Constitution was referred, reported a suffrage article which was adopted apparently without serious discussion. This article permitted only white male citizens to come into the electorate after the ratification of the Constitution, but provided that all who had previously been admitted "freemen, according to the existing laws of this state," should be electors.¹⁷ The latter clause was understood by contemporaries to include negroes who had been exercising the right to vote.¹⁸ Connecticut's negro population was 8,041 with 267,161 white persons,¹⁹ and it is possible that negro voters were becoming inconveniently numerous; in Massachusetts, where there were only 6,868 colored people with 516,419 white people, it may have been easier to be liberal. In the Massachusetts convention which sat from November 15, 1820, to January 9, 1821, no reference was made to negro suffrage, although the subject of qualifications for voting was discussed at length.²⁰

Maine had already, more than a year before, shown evidence of the New England feeling on the negro question. The constitutional convention was in session from the 11th to the 29th of

¹⁴ *Laws of the State of New Jersey*, compiled and published under the authority of the Legislature, by Jos. Bloomfield. Trenton, 1811, p. 33.

¹⁵ *Statutes of New Jersey*, published in 1821, p. 741.

¹⁶ Poore, II., p. 1315.

¹⁷ *Journal of the Convention of 1818*, printed in 1873 by order of the General Assembly, pp. 46, 90; Poore, I., p. 263.

¹⁸ Mr. Jay in the N. Y. Convention of 1821, *Report*, p. 184.

¹⁹ *Statistical view of the population of the United States*, Wash., 1835.

²⁰ *Convention Report*, pp. 115, 116, 118, 121-25, 185, 186, 187, 222, 223, 249, 250, 277.

October, 1819. On the 20th. Mr. Vance of Calais, moved to insert "Negroes" after "Indians not taxed," in the suffrage article. Mr. Holmes, who later as one of Maine's first United States Senators, took part in the debate in Congress on the Missouri question, opposed the motion with a brief and vigorous speech. "The 'Indians not taxed' ", he said, "are excluded not on account of their color, but of their political condition. They are under the protection of the State, but they can make and execute their own laws. They have never been considered numbers of the body politic. But I know of no difference between the rights of the negro and the white man.—God Almighty has made none.—Our Declaration of Rights has made none. That declares that 'all men' (without regard to colors) are born equally free and independent." Two speeches, which were not reported, were made in favor of the motion, but it was lost, and the Constitution was adopted without a discrimination against Africans.²¹ In discussing the right of one member to his seat, the question arose whether the provision of the Massachusetts constitution, that a representative must reside in the town he represents, applied to a member of the convention. It was repeatedly asked, according to Judge Thacher, whether the convention would not have the right to turn out a minor or black, if any town should happen to send one. No doubt it was assumed as a matter of course that the presence of a black man as a member of the convention would be intolerable. Judge Thacher alone seems to have had the courage and disposition to say that he did not believe the convention would have a right to exclude such a representative on account of the color of his skin.²² Only 929 negroes lived in Maine, in 1820,²³ and there, as elsewhere, negro equality was much more a matter of verbal consistency than of real feeling.

Maine, Vermont, Kentucky and Tennessee were the only states that came into the Federal Union without a suffrage discrimination against negroes until the admission of Nebraska

²¹ *The Debates, Resolutions, and Other Proceedings of the Convention of Delegates, etc.*, Jeremiah Perley, Portland 1820, p. 95; see also *Journal of the Constitutional Convention of the District of Maine, etc.*, 1819-20, printed by Fuller and Fuller in 1856.

²² *Debates, etc.*, p. 64.

²³ Statistical View, 1835, p. 16.

in 1867. Every one of the other new states, north or south, forbade black men to vote. Of the four that did not, Kentucky adopted a color discrimination in 1799, and Tennessee in 1834, while Vermont and Maine never had any kind of discrimination against Africans in their constitutions.

FEDERAL LEGISLATION

The Federal government in 1789 re-enacted the Ordinance of 1787 with its impartial suffrage provision.²⁴ In 1800, that part of the ordinance which related to the organization of a general assembly, and which included the suffrage clause, was applied to Mississippi Territory²⁵ and to Indiana Territory.²⁶ In 1805, the provisions of the Mississippi act were extended to the Territory of Orleans, the boundaries of which were then about the same as those of the present state of Louisiana.²⁷ The frame of government, including the suffrage provision, outlined in the Ordinance of 1787, was re-enacted for the Territory of Michigan in 1805,²⁸ and for the Territory of Illinois in 1809.²⁹ This was the last time until after the Civil War that any act providing for a territorial government, which contained a suffrage clause, did not exclude negroes from the right to vote. It is to be noted, however, that, unlike most of the later statutes which prescribed merely who should vote at the first election and left the fixing of permanent suffrage qualifications to the territorial legislature, the Ordinance of 1787 and the extensions and re-enactments of it which have been mentioned, settled who should be voters in all territorial elections and left nothing to the discretion of the local government.

The enabling acts for Ohio in 1802,³⁰ and for Indiana in 1816,³¹ contained no color distinction in designating who should vote for delegates to the constitutional convention; but the word

²⁴ *Poore* I., p. 433.

²⁵ *Ibid.*, II, p. 1051.

²⁶ *Ibid.*, I., p. 434.

²⁷ *Ibid.*, I., p. 696.

²⁸ *Ibid.*, p. 982.

²⁹ *Ibid.*, I., p. 435.

³⁰ *Ibid.*, II., p. 1453.

³¹ *Ibid.*, I., p. 497.

“white” was inserted in the acts for Louisiana in 1811,³² for Mississippi in 1817,³³ for Illinois in 1818,³⁴ for Alabama in 1819, and in all subsequent enabling acts before the Reconstruction period. But these were not the first important race discriminations enacted by the Federal government. The word “white” presented a barrier to the negro in the naturalization law, approved March 26, 1790,³⁵ in the militia law of May 8, 1792,³⁶ and in the law approved May 3, 1802 to incorporate the City of Washington, which confined the elective franchise to “free white male inhabitants.”³⁷ By an act of 1804 providing for the government of Louisiana and Orleans, only “free male white persons” were permitted to serve as grand or petit jurors in the courts of the Territory.³⁸ By an act of 1803, “extending the right of suffrage in the Mississippi territory,” it was provided that only whites should be entitled to vote for representatives to the general Assembly.³⁹ This Mississippi law was the first territorial act that contained the discrimination against negroes with respect to the elective franchise, as the Illinois law of the next year was the last that was free from it.

THE MISSOURI DEBATE, 1820

This dry enumeration brings us to the discussions on the admission of Missouri, in which the omnipresent negro suffrage question made its appearance. On February 28, 1820, in the House of Representatives, Mr. Taylor moved an amendment to the Missouri bill. Immediately John Randolph moved to insert the word “white,” “a matter—of some importance yet to those on the south side,” and proposed to speak at length, when Mr. Taylor accepted his amendment. After some discussion of the bill, Mr. Allen of Massachusetts moved to strike the word “white” from the suffrage clause of the enabling act, and made

³² *Ibid.*, I., p. 699.

³³ *Ibid.*, II., p. 1053.

³⁴ *Ibid.*, I., p. 436.

³⁵ *Annals of Congress*, Vol. II., pp. 2264 or 2205-6; *U. S. Statutes at Large*, Boston 1845, Vol. I., p. 103.

³⁶ *Annals*, III., p. 1392; *Statutes*, I., p. 271.

³⁷ *Annals*, XI., p. 1377; *Statutes*, II., p. 196.

³⁸ Poore, I., p. 693.

³⁹ Poore, II., p. 1052.

a speech in favor of his motion. Mr. Randolph replied, speaking for an hour and a half. When the vote was taken, Mr. Allen was the only man who rose in support of his amendment.⁴⁰

On the 7th and 8th of December, 1820, there occurred in the Senate a debate on that clause of the Missouri Constitution which made it the duty of the Legislature to prohibit the immigration of free negroes into the State. An amendment providing that Congress did not assent to this clause was rejected by the votes of all but nine senators. Northern men continued the argument with the assertion that the section excluding free blacks violated the Constitutional provision that "the citizens of each State shall be entitled to all the privileges and immunities of citizens in the several States." In Massachusetts, New Hampshire and Vermont, Africans had equal rights with white men, and, under the Constitution, they could not be deprived of their equal rights if they should desire to settle in Missouri. Mr. Smith, of South Carolina, replied by showing that nearly all the Northern States had some legal discrimination against free negroes, that some of them had laws against negro immigration from other states, and that, in the last session of the Pennsylvania legislature, a motion had been made to inquire into the expediency of exclusion laws. The Southerners found a strong ally in Senator Holmes of Maine, who, in the Maine Convention of 1819, had cited the Declaration of Independence to prove that negroes ought to be permitted to vote, and who now made a speech which adds to the evidence that the presence of emancipated slaves was hardly more welcome in the North than in the South. "Their vices and frailties render them an incumbrance, if not a nuisance, wherever they reside. It is just that the evils arising from such a population should be sustained by those who have had the benefit of their labor, and who have contributed in some measure to their degradation." "To be forced, against our will, to receive free blacks from the slaveholding States, is a doctrine that I, as a Northern man, do not so fully relish." He added that it was absurd to suppose that the framers of the Constitution intended to sanction negro

⁴⁰ Benton, T. H., *Abridgement of Debates*, VI., p. 561; *Annals of Congress*, Vol. XXXVI., pp. 1555, 1556. The substance of the speeches is not reported.

equality. "Gentlemen, with all their humanity, to be obliged to sit in this Senate by a black man, would consider their rights invaded."⁴¹ The Maine Convention that gave negroes the right to vote had also admitted that the presence of Africans as members of a legislature would be intolerable. That men who made these frank confessions of race prejudice should champion negro suffrage indicates how powerfully their minds were affected by the Revolutionary principles of liberty and equality.

NEW YORK, 1821

In New York, in 1785, two-thirds of the senate and a majority of the assembly were in favor of forbidding negroes to vote; but the suffrage was preserved to black men by a veto of the Council of Revision.⁴² On the 5th of April, 1811, the Council, comprised of Governor Tompkins, Chancellor Lansing, Chief Justice Kent, Justices Thompson, Spencer, Van Ness and Yates, vetoed a bill entitled "An act to prevent frauds at elections, and for other purposes." The obligations, written by Chancellor Lansing, were: that the bill provided that "persons of color" must produce certificates of their freedom at all elections; that the description of "persons of color" was too indefinite and might be made to include all gradations of mixture between the African and the white man; that no provision was made to compel witnesses to testify before officers who are authorized to take proof of a negro's freedom; and that the bill established the principle "that all black men and men of color are presumed to be slaves until they prove that they are free."⁴³ The bill passed the Senate over the veto but failed to secure two-thirds of the Assembly. At the same session, however, another bill became law which likewise provided that, in order to vote, a negro must prove his freedom, but which remedied the objection that no adequate means were given a black man to secure proof of his emancipation. This law was entitled "An act to prevent frauds at elections and slaves from voting."⁴⁴ In 1814, a new

⁴¹ Benton, *Abridgement*, VI., pp. 662, 664, 669, 670, 672-680, 691.

⁴² *Ibid.*, p. 17.

⁴³ Street, *New York Council of Revision*, pp. 362-363, 364.

⁴⁴ *Laws of New York; Revision of 1813*, II., p. 253; *Hurd*, II., p. 54.

section applying only to New York City, provided that certificates of freedom should be recorded in the office of the registrar; and that a copy of the record should be the certificate of freedom which a free black was required to produce at elections before he could vote.⁴⁵ The obvious intent was to put difficulties in the way of a negro elector; but that such a law was passed, shows that negroes must have continued to vote in small numbers after the veto of 1785, and helps explain why the problem of negro suffrage came before the New York Convention of 1821.

The old New York constitution of 1777 required a property qualification of twenty pounds in order to vote for members of the Assembly.⁴⁶ Most free negroes were therefore excluded from the elective franchise, although it may be that negroes as well as whites voted illegally. It was said that, in 1813, the votes of three hundred free negroes in New York City decided the election in favor of the Federalists and determined the character of state legislature.⁴⁷ If this statement is true, the fact may account for the law of 1814 for the recording of certificates of freedom. But only one hundred and sixty-three negroes, it was asserted, voted in New York at the spring election of 1821;⁴⁸ There were more than five hundred, however, who tried to vote, and it was estimated that if all property qualifications were abolished, there would be twenty-five hundred negro electors in the city of New York alone.⁴⁹

When the convention of 1821 met, it was a practical certainty that the property qualifications for voters would be abolished. The convention, therefore, had to consider the question whether the liberal suffrage provision should extend to blacks as well as to whites. The first proposition to be considered was an article limiting the suffrage to white men. The debate began September 19, 1821. Those who favored restriction argued that it was not a question of rights. "That all men are free and equal, according to the usual declarations," said Mr. Ross, "applies

⁴⁵ *Laws of New York, Thirty-Seventh Session*, pp. 94, 95; Hurd, II., p. 55.

⁴⁶ Poore, II., 1334.

⁴⁷ 1821 *Con. Report.*, p. 212.

⁴⁸ *Ibid.*, p. 197, Gen. Tallmadge.

⁴⁹ *Ibid.*, pp. 198, 199.

to them only in a state of nature, and not after the institution of civil government, for then many rights, flowing from natural equality, are necessarily abridged, with a view to produce the greatest amount of security and happiness to the whole community.”⁵⁰ General Root explained his views of the social compact: “In the formation of a social compact, which generally grows out of exigency, when the people are but a little removed from their barbarous and rude state, they are not particular in enumerating the principles upon which they thus unite, but when they have become more enlightened, they will undertake to say who shall belong to their family.”⁵¹ Colonel Young denied that the right of voting was a natural right: “A natural right is one that is born with us. No man is born twenty-one years old.” If there were a natural, inherent right to vote, it ought to be extended to women and children.⁵² Chief Justice Spencer declared “that the community has a right to secure its own happiness and prosperity, and that we are authorized to adopt all means that shall conduce to that end.”⁵³ The question, therefore, was altogether one of expediency; and it was inexpedient and dangerous to let negroes vote in any considerable numbers. They could not vote discreetly and independently. “They have no just conception of civil liberty. They know not how to appreciate it and are consequently indifferent to its preservation.”⁵⁴ They lacked intelligence. They were born in slavery and would vote according to the behests of rich men for whom they worked. “That man who holds in his hands the subsistence of another, will always be able to control his will.” Negro suffrage would enable the rich man to control many votes and would therefore foster an aristocracy.⁵⁵ Others argued that negroes certainly ought not to be given the elective franchise when it is withheld from the Indians, “the original and only rightful proprietors of our soil,” who were far superior to negroes in intelligence and worth.⁵⁶ Black men were without

⁵⁰ *Ibid.*, p. 180.

⁵¹ *Ibid.*, p. 185.

⁵² *Ibid.*, p. 189.

⁵³ *Ibid.*, p. 195.

⁵⁴ *Ibid.*, p. 180. Ross.

⁵⁵ *Ibid.*, p. 197, Chief-Justice Spencer.

⁵⁶ *Ibid.*, p. 181, Ross. p. 199, Livingston.

education: many of the most intelligent could not write their own names.⁵⁷ They were a degraded race, partly indeed through the white man's fault;⁵⁸ the number of negroes in jails and penitentiaries was out of all proportion to the negro population of the State.⁵⁹ Africans were excluded from the militia and were not called upon to defend the country.⁶⁰ There was a universal prejudice against black men: "This distinction of color is well understood. It is unnecessary to disguise it, and we ought to shape our constitution so as to meet the public sentiment." Negroes were not permitted to have social intercourse with whites, nor be elevated to office, nor asked to serve on juries.⁶¹ Yet if they should be permitted to vote they would soon make the unspeakable demand to be represented in the halls of legislation by men of their own color.⁶² It was true that only a few blacks were voting; but emancipated slaves were flocking into the state, particularly into the metropolis,⁶³ and the abolition of property qualifications would let loose upon the city of New York an indescribable horde of ignorant, degraded negro electors.⁶⁴

The opponents of disfranchisement argued that it would violate the second section of the fourth article of the Federal Constitution. The right of suffrage was one of the privileges which one state could not deny to the citizens of another.⁶⁵ Rufus King took this view. "The question was not a pressing one now, for emancipated slaves were not citizens; but their children would be. As certainly as the children of any white man are citizens, so certainly the children of black men are citizens; and they may in time raise up a progeny, which will be disastrous to the other races of this country."⁶⁶ Chancellor Kent merely expressed the opinion that the constitutionality of disfranchise-

⁵⁷ *Ibid.*, p. 198, Livingston.

⁵⁸ *Ibid.*, p. 196, Ch. J. Spencer.

⁵⁹ *Ibid.*, p. 191, Col. Young.

⁶⁰ *Ibid.*, p. 185, Ross, Gen. Root.

⁶¹ *Ibid.*, p. 190, Col. Young.

⁶² *Ibid.*, p. 181, Ross.

⁶³ *Ibid.*, p. 196, C. J. Spencer.

⁶⁴ *Ibid.*, p. 199, Livingston.

⁶⁵ *Ibid.*, p. 184, Jay.

⁶⁶ *Ibid.*, p. 192. Also *The Life and Correspondence of Rufus King*, edited by Chas. R. King, VI., p. 405, 406.

ment was doubtful.⁶⁷ He also thought the word "white" too sweeping and indefinite. "The Hindoo and Chinese are called yellow—the Indian red! Shall these be excluded should they come to reside among us? Great efforts were now making in the Christian world to enlighten and improve their condition, and he thought it inexpedient to erect a barrier that should exclude them forever from the exercise of this important right."⁶⁸ No one else expressed principles so broadly inclusive; but several were disposed to deny that the African was intrinsically inferior to the Caucasian, though slavery might temporarily have degraded him. "It does not become those who have acted so unjustly toward them to urge the results of that injustice as a reason for perpetuating their degradation," said Mr. Van Vechten.⁶⁹ Mr. Peter Augustus Jay, the most fiery champion of the negro in the convention, referred to the doctrine "that the intellect of a black man is naturally inferior to that of a white one" as "completely refuted and universally exploded", and did not think it worth while to disprove it. Slavery indeed made negroes improvident and worthless; but, under the influence of schools and churches, they were making rapid progress;⁷⁰ while the prejudice of whites against blacks, which the association of slavery with a dark complexion had produced, was already dying away, and would disappear when slavery should become unknown.⁷¹ It might be true that some negroes would obey "the dictates of the purse proud aristocrats of the day, on whom they depend for bread"; but their fault would be no greater than that of "many thousands of white fawning, cringing sycophants." Moreover it might confidently be hoped that the "redeeming spirit in liberty" would ultimately regenerate these unfortunate people.⁷² In order that free institutions might be fostered, the interests of every class should be attached to the government; but to disfranchise the Africans would "deprive them of every inducement to become respectable members of society," would be ordaining

⁶⁷ 1821 *Con. Report*, p. 191.

⁶⁸ *Ibid.*,

⁶⁹ *Ibid.*, p. 193.

⁷⁰ *Ibid.*, p. 184.

⁷¹ *Ibid.*, p. 201.

⁷² *Ibid.*, p. 188, R. Clarke.

that they become "fugitives, vagabonds, and outcasts," would compel them and their posterity to be the enemies of the whites, and cause them to view the white man's political institutions "with distrust, jealousy, and hatred."⁷³

No one of the negro's champions pretended to regard him as a desirable citizen. It was unnecessary, Mr. Jay argued, to stain the Constitution with an odious discrimination merely to exclude a race that constituted only one-fortieth of the population of New York City, and whose numbers had remained stationary while the whites had multiplied. If black men were numerous, it might be dangerous to enfranchise or even emancipate them.⁷⁴ "I lament as much as any gentleman," said Mr. Clarke, "that we have this species of population amongst us. But we have them here without any fault of theirs.—I would do them justice, and leave the consequences to the righteous disposal of an all-wise and merciful Providence."⁷⁵ These apostles of equality asserted that the prejudice, which they themselves shared and which everywhere prevailed, was wrong. "Do our prejudices against their colour destroy their rights as citizens?" inquired Mr. Van Vechten. "Whence do those prejudices proceed? are they founded in impartial reason, or in the benevolent principles of our holy religion?—People of color are our fellow candidates for immortality—. The same path to future happiness is appointed for them and us."⁷⁶ "How sir," Mr. Jay exclaimed, "can that argument be answered by reason which is not founded on reason?" Merely to gratify a prejudice, the Convention had no right to establish a degraded and discontented caste or to condemn the negroes to be aliens in their native land.⁷⁷ "However we may scorn, and insult and trample upon this unfortunate race now, the day was fast approaching when we must lie down with them in that narrow bed appointed for all the living."⁷⁸ The disfranchisement of Indians was on a different basis: they were members

⁷³ *Ibid.*, p. 188.

⁷⁴ *Ibid.*, p. 184-5.

⁷⁵ *Ibid.*, p. 189.

⁷⁶ *Ibid.*, p. 194.

⁷⁷ *Ibid.*, p. 201.

⁷⁸ *Ibid.*, p. 365.

of tribes with which treaties were made as with other nations,⁷⁹ but negroes were born neighbors and fellow-citizens of the whites. They were excluded from the militia, but they had been welcome volunteer soldiers when actual war occurred, both in the Revolution and the War of 1812. No one would stand in the ranks, shoulder to shoulder with negroes in time of peace: But when the hour of danger approaches, your "white" militia are just as willing that the man of color should be set up as a mark to be shot at by the enemy, as to be set up themselves.⁸⁰ Disfranchising the negro would be too much of a concession to prejudice, too great a surrender to the spirit of slavery. It would be regarded as a victory by the Southerners who had opposed negro rights in the Missouri debate in Congress, and the proposed exclusion of black men from the elective franchise would be greeted by the slaveholders with "a shout of triumph and a hiss of scorn."⁸¹

On the 20th of September a vote was taken and the word "white" was stricken out, 63 to 59.⁸² What sentiments moved the majority? No doubt the arguments reviewed had much influence, especially the argument that it was unnecessary to "stain" the constitution when the number of blacks was so small. A few days later, in the discussion of another phase of the suffrage, Martin Van Buren delivered a florid period on "taxation and representation". These words, he said, "were never heard in our halls of legislation, without bringing to our recollections the consecrated feelings of those who won our liberties, or without reminding us of everything that was sacred in principle———. They offered the strongest evidence of their continued hold upon our feelings and our judgments, by the triumph they effected, over the strongest aversions and prejudices of our nature—on the question of continuing the right of suffrage to the poor degraded blacks."⁸³ As soon as the vote was taken, General Root renewed an amendment which he had offered on the previous day which excluded from the electorate

⁷⁹ *Ibid.*, p. 200.

⁸⁰ *Ibid.*, p. 187, R. Clarke.

⁸¹ *Ibid.*, p. 184, Jay.

⁸² *Ibid.*, p. 202.

⁸³ *Ibid.*, p. 257

all who would not if able-bodied and of full age be liable to militia service.⁸⁴ His avowed object was to disfranchise negroes who were excluded from the militia by federal law; but he urged the use of this indirect method because it would "preserve the delicacy of language, observable in the Constitution of the United States, which nowhere uses the word slave."⁸⁵

Whether the object in view was "delicacy of language" or the welfare of the negro, the vote of September 20 did not represent the real sentiment of the convention. Several amendments were offered which discriminated against negroes by requiring of them higher qualifications than of white men.⁸⁶ A resolution was passed referring the subject to a select committee of thirteen. Of the members appointed by Daniel D. Tompkins, president of the convention,⁸⁷ nine had voted in the negative on striking out the word "white".⁸⁸ Their report, which provided that men of color should not be permitted to vote unless they had resided in the state three years, and owned and had paid taxes on a freehold estate worth two hundred and fifty dollars above all incumbrances, that no person of color should pay any taxes unless he owned real estate of this value, and that white men could vote after one year's residence and payment of taxes or the rendering of highway and militia service,⁸⁹ came before the convention on the 6th of October.⁹⁰ The discrimination against blacks was no doubt a compromise of conflicting opinions.⁹¹ There was an influential element in the convention, represented by Chancellor Kent, Rufus King,⁹² and Mr. Platt, who favored a property qualification but were opposed to color distinctions. Kent was willing to accept the proviso because it left the negro some hope. The prospect of becoming a voter would encourage industry and thrift: "But he was unwilling to see them disfranchised and the door eternally barred against

⁸⁴ *Ibid.*, p. 202.

⁸⁵ *Ibid.*, p. 186.

⁸⁶ *Ibid.*, p. 290, Wendover, and Birdseye, p. 291, Radcliffe and R. Smith.

⁸⁷ *Ibid.*, p. 657.

⁸⁸ *Ibid.*, pp. 202, 289-90.

⁸⁹ *Poore*, II., p. 1343.

⁹⁰ 1821 *Con. Report.*, p. 357.

⁹¹ *Ibid.*, p. 346, Tallmadge; p. 376, Young.

⁹² *Ibid.*, p. 287.

them.”⁹³ Van Buren favored the report of the committee because it held out inducements to industry and because it exempted negroes from taxation until they had qualified themselves to vote.⁹⁴ Mr. Briggs, who wished to disfranchise negroes altogether, urged that property was no more a just test for black voters than for white voters;⁹⁵ he ridiculed the idea that the right of suffrage would elevate the negro, and impatiently asked “whether it would elevate a monkey or a baboon to allow them to vote.”⁹⁶ Mr. Bacon declared that it was wrong to introduce a principle of caste without a strong political necessity. The negroes were so few that no danger was to be apprehended from permitting them to vote. If they were to be excluded from the electorate, it would be more honorable to exclude them directly, for the property qualification would disfranchise practically every one of them. Mr. Eastwood said he was opposed to “letting in black vagabonds to vote”, but felt more liberal than the select committee, and therefore moved to strike out two hundred and fifty dollars and insert one hundred dollars. His motion was lost, and the report of the committee was carried by a vote of 72 to 31.

Immediately Mr. Platt, who had previously voted to strike out “white”, moved to expunge the proviso relating to men of color. He was not disposed to be the black man’s knight errant: “But the obligations of justice are eternal and indispensable.” He admitted that few negroes could vote properly; but, instead of “this unjust and odious discrimination of colour,” he would adopt a qualification that would exclude also the “ignorant and depraved white men”. Negroes were just beginning to make progress. It would be wrong to discourage them, especially by this dishonest indirection. “The real object is, to exclude the oppressed and degraded sons of Africa; and, in my humble judgment, it would better comport with the dignity of this convention to speak out, and to pronounce the sentence of perpetual

⁹³ *Ibid.*, p. 364.

⁹⁴ *Ibid.*, p. 376. Also Sharpe, p. 364, see also Shepard, E. M., *Martin Van Buren, American Statesmen Series*, p. 68.

⁹⁵ 1821 *Con. Report*, p. 364.

⁹⁶ *Ibid.*, p. 365.

degradation, on negroes and their posterity forever, than to establish a test which we know they cannot comply with and which we do not require of others.”⁹⁷ There were 71 votes against Mr. Platt’s motion and only 33 for it. Four of the 33 had voted against striking out the word “white”. The remaining 29 therefore represent the real strength of the sentiment in favor of putting negroes on an equality with white men with respect to the elective franchise. Among them were such notable men as Platt, the two Van Rensselaers, Rufus King and Chancellor Kent. An examination of the vote with respect to the nativity of members fails to show that natives of New England voted for suffrage in larger proportion than natives of New York. Nor does there seem to have been anything noteworthy about the geographical distribution of the vote. New York City had the most considerable negro population, and it was said that, before the meeting of the convention, restrictions on the negro’s right to vote were expected or desired only by some citizens of New York.⁹⁸ Yet, of the eleven members from New York County, five voted *aye* on striking out the word “white”, only four voted *no*, and two were absent; and three New York members voted against the discriminating property requirement.

It is hardly warrantable to eall a convention, which greatly restricted the negro’s right to vote by raising the property qualification for black men from £20 to \$250 and abolished it altogether for white men, “a dominant emancipating agent in American democracy.”⁹⁹ Nevertheless there had undoubtedly been, since the veto of 1785, appreciable progress of opinion favorable to the African race. In 1785, nearly two thirds of both houses of the legislature wished to deprive negroes of the elective franchise altogether. In 1821, a majority were opposed to absolute denial of the suffrage and a considerable minority refused to sanction any restriction that did not apply to whites as well as blacks. Mr. Platt pointed to the change of opinion on slavery since the time, sixty years before, when the colonial

⁹⁷ *Ibid.*, pp. 374, 375.

⁹⁸ *Ibid.*, p. 195, Van Vechten.

⁹⁹ Thorpe, F. N., *Constitutional History of the American People*, II., p. 353.

assembly passed a law with the preamble: "Whereas justice and good policy require, that the African slave trade should be liberally encouraged."¹⁰⁰ "The astonishing progress of the human mind, in regard to religious toleration; the various plans of enlightened benevolence; and especially the mighty efforts of the wise and good throughout Christendom, in favour of the benighted and oppressed children of Africa,"¹⁰¹ had no doubt produced a "visible decay of prejudice."¹⁰² Even if it had been intended to disfranchise all negroes indirectly, it meant much that men had come to feel ashamed to adopt an express exclusion of Africans from the right to vote. It is also significant that Mr. Jay, the negro's most ardent champion, opposed disfranchisement because the South would regard it with a feeling of triumph. In 1778, the opponents of equal rights in Massachusetts had advanced the idea that the South would be offended. But in 1821, the Missouri struggle had roused the temper of many Northerners and there was henceforward a growing tendency with respect to negroes: "To befriend them in the spirit of political opposition, as well as from the gentler dictates of human pity."¹⁰³

TENNESSEE, 1834

The next state that took decisive action on negro suffrage was Tennessee. The suffrage clause of the constitution of 1796 was probably not intended to confer the elective franchise on negroes, for it was adopted without debate;⁴ but, as there was no express prohibition, negroes sooner or later began voting.⁵ Negro voters must have become numerous enough to constitute an important element, for it is said: "The opposing candidates, for the nonce oblivious of social distinction and intent only on catching votes, hobnobbed with the men and swung corners all with dusky

¹⁰⁰ *Ibid.*, p. 375.

¹⁰¹ *Ibid.*, 375.

¹⁰² Wright, *Manners in America*, p. 73.

¹⁰³ *Ibid.*, p. 71.

⁴ Sanford, E. T., *The Constitutional Convention of Tennessee of 1796*, reprinted from the *Proceedings of the Bar Assoc. of Tenn. for 1896*, p. 31.

⁵ *Ibid.*; also *Studies in the Constitutional History of Tennessee*, Joshua W. Caldwell, p. 93.

damselfs at election balls."⁶ John Bell and Cave Johnson said that they were elected to Congress by the aid of colored men's votes, the latter boasting that he owed his election in 1828 to one hundred and forty-four free negroes who worked in his mills.⁷ However a strong opposition to negro suffrage was growing up. The exigencies of slavery made free negroes less and less welcome while the liberal suffrage clause seemed to draw more and more of them into the state. The people of Tennessee became anxious to check their immigration.⁸ During the twenties, the anti-slavery agitation in the North and the growing pro-slavery sentiment in the South, produced throughout Tennessee, strong manifestation of opposition to negro citizenship. The laws against free negroes became stricter, and at length, on December 16, 1831, the legislature forbade them to enter the state and provided that slaves should not be freed except on condition that they be removed from the commonwealth as soon as they might be emancipated.⁹ The constitution of 1834 confined the suffrage to white men, but provided: "that no person shall be disqualified from voting in any election on account of color who is now, by the laws of this State, a competent witness in a court of justices against a white man."¹⁰ The anti-slavery sentiment was still strong and the convention was far from unanimous: the suffrage clause was carried by a vote of thirty-three to twenty-three.¹¹ It was also provided that only those qualified under the proposed article could vote on the amended constitution.¹²

⁶ Quoted by Weeks in *Pol. Soc. Quarterly*, IX., p. 676, from Buxton's, *Reminiscences of the Bench and Fayetteville Bar*.

⁷ Weeks, p. 676, who refers to Summer's *Works*, X., p. 192; The *Works of James Abraham Garfield*, edited by B. A. Hinsdale, I., p. 89; also *Cong. Globe*, 1 S. 33 C., p. 1305, May 24, 1854, Mr. Petit; and, 2S. 38 C., 284, Jan. 16, 1865.

⁸ Caldwell, *Studies*, pp. 93, 113.

⁹ [Goodspeed] *History of Tennessee*, pp. 755, 1756.

¹⁰ *Ibid.*, p. 225; Poore, II., p. 1683. This provision excluded "All negroes. Indians. Mulattoes and all persons of mixed blood, descended from negro and Indian ancestors, to the third generations inclusive," and all freedmen, of whatever blood, for twelve months after emancipation. Revision of 1831, p. 377; Revision of 1836, p. 712.

¹¹ Garfield, J. A., *Works*, I., p. 89.

¹² Caldwell, *Studies*, p. 226.

NORTH CAROLINA, 1835

Up to this time there had been a strong anti-slavery sentiment in the border slave states. In the western parts of Virginia and the Carolinas, in Northern Georgia and in eastern Kentucky and Tennessee, anti-slavery agitation up to 1830 was more vigorous than anywhere in the northern states. It was especially strong in western North Carolina which was a region of small farms and democratic ideals and which contained a considerable Quaker population. From 1830, however, southern anti-slavery societies began to pass out of existence and by 1840 Southern anti-slavery sentiment had been practically silenced.¹³ These facts help account for the history of negro suffrage in that state. The constitution of 1776 did not expressly forbid negroes to vote.¹⁴ During the Revolution many of them were employed as soldiers, some took the oath of allegiance,¹⁵ as early as 1778 they were recognized as citizens,¹⁶ and it seems probable that some negroes continued to exercise the electoral privilege from early colonial times down, and that, during and after the Revolution as the number of free blacks increased, there was a great increase in the number of black voters.¹⁷ They even formed political alliances, in some northern counties became an important factor in elections, made friends of the party allies and foes of their party opponents.¹⁸ Whether or not the framers of the constitution expected negroes to vote, there is no doubt "that a long and silent acquiescence in the enjoyment of certain political rights . . . created a violent presumption in their favor."¹⁹ As they became inconveniently numerous, there arose

¹³ Bassett, J. S., *Anti-Slavery Leaders of North Carolina*, Johns Hopkins' *Historical Studies*, XVI., p. 267; Weeks, S. B., *Anti-Slavery Sentiment in the South*, *Publications of the Southern History Ass'n.*, April, 1898, II., pp. 87, 88, 89, 93.

¹⁴ Poore, II., p. 1411.

¹⁵ *N. C. Con. Report.*, p. 354.

¹⁶ Weeks, S. B., *Pol. Soc. Quarterly*, IX., p. 675.

¹⁷ Bassett, J. S., *Slavery in the State of N. Carolina*, Johns Hopkins' *Historical Studies*, XVII., p. 354.

¹⁸ *Ibid*; also Dodge, D., *The Free Negroes of North Carolina*, *Atlantic Monthly*, Jan. 1886, vol. LVII., p. 25.

¹⁹ *N. C. Con. Report.*, p. 63, Mr. Bryan.

a demand that they be disfranchised. This demand became stronger with the growth of pro-slavery sentiment in opposition to anti-slavery agitation in the North.²⁰ In 1826, Bartlett Yancey wrote, that in all the counties and nearly all the towns of the state there was hostility to negro suffrage due to the work of colonization and abolition societies.²¹ He probably referred to the anti-slavery societies in North Carolina which were then 50 in number and had 3,000 members.²² A law was passed forbidding negroes or mulattoes to hold office.²³ The convention of 1835, by the law which provided for calling it, was empowered to consider the disfranchisement of free negroes.²⁴ By this time the colored people, because of indisposition or fear of whites, had ceased voting in some communities,²⁵ while in some places they had probably never voted. In the convention of 1835 it was said that "in several of the Eastern counties they are not permitted to vote, and they have acquiesced in this determination with cheerfulness and contentment."²⁶ Representatives from Iredell and Perquimons asserted that free blacks had never voted in either of those counties.²⁷ On the other hand, it was said that there were 300 colored voters in Halifax, 150 in Hertford, 50 in Chowan, and 75 in Pasquotank;²⁸ and by another member that it would be impossible to ascertain the number of white voters, because half the clerks in their returns to the comptroller's office, failed to distinguish between black and white polls.²⁹

The convention began the discussion of negro suffrage on the 12th of June, 1835. The friends of the African seem to have had no hope of securing for him equal voting privileges with white men. They put forth all their efforts to secure a property qualification that would permit some negroes to retain the val-

²⁰ Bassett, J. S., *op. cit.*

²¹ Weeks: *Pol. Sci. Quar.*, IX., p. 676.

²² Weeks, *Southern Historical Assoc. Pub.*, II., p. 89.

²³ Bassett, *op. cit.*; *N. C. Con. Report.*, p. 71.

²⁴ Bassett, *op. cit.*; *N. C. Con. Report.*, p. 66.

²⁵ Bassett, *op. cit.*

²⁶ *N. C. Con. Report*, 1835. p. 69, Mr. Bryan.

²⁷ *Ibid.*, p. 353, King. p. 355, Wilson.

²⁸ *Ibid.*, pp. 70, 80.

²⁹ *Ibid.*, p. 30.

ued right and offered several propositions looking to that end.³⁰ The first of these, introduced by Mr. Daniel, was avowedly modelled after the New York provision and, like it, provided that no free person of color should have the right to vote unless he possessed a freehold worth \$250.³¹ The adoption of such a clause would "leave the door open to all colored men of good character and industrious habits," who would find no difficulty in obtaining the necessary qualification.³² Judge Gaston protested that a negro who was an honest freeholder and perhaps a Christian, "should not be politically excommunicated, and have an additional mark of degradation fixed upon him on account of his color."³³ He and several other members appealed to the fear of slave insurrections.³⁴ The denial of the suffrage would be regarded by free negroes as indicative of an intention to degrade and reduce them to a condition akin to slavery.³⁵ "If we close the door entirely against this unfortunate class of our population," said Mr. Moorhead, "we may light up the torch of commotion among our slaves."³⁶ The result might be scenes of desolation and distress. Kindly treatment of the respectable negroes would attach them to the white population and as in the West Indies and other places, would make them serviceable in disclosing symptoms of discontent among the slaves.³⁷

Only one of the men who advanced this argument from expediency was bold enough to declare that it was sufficient for him that "they are human beings, and free agents, and have a free will."³⁸ Mr. Kelly contended "for the broad principle that all men are entitled to equal rights,"³⁹ and Mr. Toomer asserted that to abrogate the black man's right to vote

³⁰ *Ibid.*, p. 60, Daniel, p. 73, Shober, p. 80, Moorhead, p. 352, Gaston, p. 353, Fisher, Holmes, p. 357, Dockery.

³¹ *Ibid.*, pp. 60, 61.

³² *Ibid.*

³³ *Ibid.*, p. 79.

³⁴ *Ibid.*, pp. 79, 72, 354, Holmes, p. 73, Shober, p. 74, Giles, p. 80, Moorhead.

³⁵ *Ibid.*, p. 352, Gaston.

³⁶ *Ibid.*, p. 80.

³⁷ *Ibid.*, Holmes pp. 72, 353.

³⁸ *Ibid.*, p. 72, Shober.

³⁹ *Ibid.*, p. 356.

"would be tyranny; and the plea of policy could not alter the case, as that had, in all ages, been the cry of tyrants, to justify their oppressions."⁴⁰ Mr. Daniel reminded the convention that negroes had fought in the war for independence.⁴¹ Nor was the injustice of taxation without representation forgotten.⁴² "It is contrary to all the principles of free government," said Mr. Kelly, "to tax a man and refuse him a right to vote for a member of the Legislature who lays the tax."⁴³ Most of the friends of the negroes however, seemed willing to admit that a black man was not as good as a white man.⁴⁴ Mr. Daniel declared that his observation during thirty years past showed that the colored man of property and standing uniformly voted for representatives of talents and good character, but he admitted there were many worthless blacks to whom the suffrage ought to be denied.⁴⁵ Mr. Holmes said: "Such of them as possess property, and are of good standing, ought to be distinguished from those of the class who are vicious and disorderly. Many of them are in a degraded and corrupt state."⁴⁶ From an opposite view point, the negroes' enemies gave about the same testimony. They admitted that there were a few exemplary and meritorious negroes, but thought it bad policy to attempt a line of distinction between the worthy and the unworthy.⁴⁷ Most of them were incapable of voting judiciously: "With a little drink and some trifle, they could be bought like a lot of poultry."⁴⁸ They did not vote for the best men: "Any candidate who would associate with them, might obtain their vote, however low his qualifications."⁴⁹ Their want of education, the tame spirit of submission with which they are moulded to the will of an influential neighbor renders it entirely impolitic that they should enjoy the

⁴⁰ *Ibid.*, p. 80.

⁴¹ *Ibid.*, p. 61.

⁴² *Ibid.*, p. 72, Shober.

⁴³ *Ibid.*, p. 256.

⁴⁴ Bassett, *Suffrage in N. Carolina*, Report of the Am. Hist. Assoc., 1895, p. 278.

⁴⁵ *N. C. Con. Report.*, 1835., pp. 61-62.

⁴⁶ *Ibid.*, p. 72.

⁴⁷ *Ibid.*, p. 75. Crodop and McQueen.

⁴⁸ *Ibid.*, pp. 79, 80, Cooper, Wilson.

⁴⁹ *Ibid.*, p. 74, Crodop.

privilege.⁵⁰ Public opinion was on the side of the opponents of negro suffrage. It had come to pass that the support of negroes was an element of weakness to a politician. Opposing candidates twitted each other about this part of their constituency and declared themselves willing to throw out every free negro ballot if their opponents would follow their example. Twenty years ago (1906) there was still a tradition among the negroes of Granville county that they had been disfranchised because of their persistent support of an able and unscrupulous demagogue named Potter.⁵¹

However well or ill colored men may have been qualified to vote, their possession of the elective franchise, as the enemies of negro suffrage were not slow to point out, was decidedly incongruous with their general position in the body politic.⁵² "The negro," said Mr. McQueen, "came here debased; he is yet debased, and there is no sort of polish which education or circumstances can give him, which ever will reconcile the whites to an extension of the right of suffrage to the free negro."⁵³ Even a free mulatto, he continued, could have no permanent interest in or attachment to the community: "He finds the door of office closed against him, by the bars and bolts of public sentiment; he finds the circle of respectable society closed against him, let him conduct himself with as much propriety as he may; he finds himself suspended between two classes of society—the white and the black—condemned by the one and despised by the other; and when his favorite candidate in an election prevails, it communicates no gratification to his breast, for the candidate will be a white man, and he knows full well that the white man eyes him with contempt."⁵⁴ Mr. Wilson said: "We already exclude a colored person from giving testimony against a white person. A white man may go to the house of a free black, maltreat and abuse him, and commit any outrage upon his family—

⁵⁰ *Ibid.*, p. 79, Wilson.

⁵¹ *Atlantic Monthly*, 1886., LVII., p. 25.

⁵² "The strange anomaly of a class incompetent to testify in court, and otherwise almost as destitute of rights as brutes, exercising a function everywhere deemed the first of privileges, and which the vast mass of freemen in the most enlightened countries of the world are yet striving to attain." *Ibid.*

⁵³ *N. C. Con. Report*, 1835, p. 77.

⁵⁴ *N. C. Con. Report*, 1835, p. 78.

for all which the law cannot reach him, unless some white person saw the act committed.”⁵⁵ Mr. Bryan asked: “What becomes of the inalienable rights of these boasted freemen and citizens, when the legislature of our own state has passed an act, authorizing the courts, upon conviction of any of them, for a paltry misdemeanor, and an inability on their part to pay the costs thus incurred, that they be hired out for the same? If the same policy had been adopted with regard to *free white citizens*, is there a doubt in this convention, but that with one voice, from the mountains to the sea-shore, the people, the judiciary, and all the powers of the government, would have declared that the act was void, and that it was an unconstitutional deprivation of the liberties and privileges of a freeman! It cannot be disguised, that there is a vast and mighty difference between the Constitutional rights and privileges of a free white man and a free negro, or else the legislative construction and acts have done gross and violent injustice to this unfortunate class of inhabitants.”⁵⁶ He denied that free negroes were citizens. The legislature had not interpreted the clause of the Federal Constitution concerning the privileges and immunities of citizens to include black men. North Carolina had put severe restrictions on their immigration into the state, and most states forbade them to vote. If negroes were citizens, all commonwealths that denied them the elective franchise were violating the Constitution of the Union.⁵⁷ They could not be called freemen within the meaning of the constitution of North Carolina.⁵⁸ “This is a nation of white people—its offices, dignities and privileges, are alone open to, and to be enjoyed by, white people.”⁵⁹ To these declarations, Judge Gaston replied by a legal argument. Before the Revolution, the few freemen of color were chiefly mulattoes, the children of white women, and necessarily citizens, as in the law they followed the condition of their mothers. When the emancipation of slaves began, the act which directed the manner in which they might be manumitted, expressly declared them entitled to all the

⁵⁵ *Ibid.*, p. 80.

⁵⁶ *Ibid.*, p. 66.

⁵⁷ *Ibid.*, p. 64.

⁵⁸ *Ibid.*, p. 65.

⁵⁹ *Ibid.*, p. 67.

rights and privileges of colored freemen.⁶⁰ It was true that they could not give evidence against white men; but on precisely analogous grounds, the Civil Law forbade a father to give evidence for his son, or a son for his father.⁶¹ Three years later, Judge Gaston had occasion, in delivering an opinion of the supreme court of the state, to elaborate his argument.⁶² "Whatever distinctions may have existed in the Roman law between citizens and free inhabitants, they are unknown to our institutions." "Slaves manumitted here become freemen—and therefore if born within North Carolina are citizens of North Carolina—and all free persons born within the state are born citizens of the State." Negroes had been permitted to vote under the old constitution: "And it is a matter of universal notoriety that under it, free persons, without regard to colour, claimed and exercised the franchise until it was taken from freemen of colour a few years since by our amended constitution." Yet he was compelled to recognize the existing black laws, and was forced to argue, in effect, that a man might be a citizen under disabilities that in most respects would make his citizenship meaningless.

The race feeling against negroes came out still more strongly in other arguments that were advanced by the advocates of disfranchisement. The argument, which had been used in Massachusetts in 1778, in New York in 1821, and was yet to be heard in the discussions of the next thirty years, that negroes would come into the state was not overlooked. "Our good old State," said Mr. Bryan, "will become the asylum of free negroes; they will come in crowds from the North, South and West and we shall be overrun by a miserable and worthless population. If we hold out inducements to any portion of the human race, to come and settle amongst us, let it be to those of sober, honest and industrious habits, and such as feel an interest in and duly appreciate the institutions of the country."⁶³ Another cry, afterward to be uttered with unusual vigor in Pennsylvania, was: "No amalgamation of colors."⁶⁴ Mr. Wilson said "that however much

⁶⁰ *Ibid.*, pp. 351, 352.

⁶¹ *Ibid.*, p. 357.

⁶² *State v. Manuel*, Dec. 1838. 4 *Devereux & Battle*, p. 20.

⁶³ *N. C. Con. Report*, 1835, p. 68.

⁶⁴ *Ibid.* p. 67.

colored persons might be elevated, their color alone would prove a barrier to keep them in a degraded state. And the moment a free mulatto obtains a little property, and is a little favored by being admitted to vote, he will not be satisfied with a black wife. He will soon connect himself with a white woman."⁶⁵ It was argued that negro suffrage might lead to negro office-holding, and it was apparently assumed that the election of black justices and sheriffs would of course be intolerable.⁶⁶ To the argument that free negroes had served faithfully in the Revolution, Mr. Bryan replied that slaves as well fought bravely in the ranks, and that Congress had excluded free blacks from the militia.⁶⁷ Along with the demonstration that negroes were debased and degraded and could be abused by white men with impunity was set forth the reasoning that the negroes did not need the elective franchise as "they had no distinct interests to protect, and their general interests would be protected by the general representation of the State,"⁶⁸ and that the protection given by the state amply repaid the light taxes laid upon them.⁶⁹ Referring to the example of New York, Nathaniel Macon, who was president of the convention, argued that the situation in North Carolina was much different because the number of free negroes was very much greater. Perhaps the most solid logic employed by anyone on the side against negro suffrage was contained in Mr. McQueen's interrogation: "Is there any gentleman on this floor, who would be willing to see the right of suffrage extended to free persons of colour, if they were likely to constitute a majority of voters in the State?"⁷⁰ Probably not the most zealous fighter for negro rights, any where in the country, would at that time answered this question in the affirmative. Indeed, Mr. Jay, the New York champion of the negro, based one of his strongest appeals on the ground that colored voters were so few that they would be of no real importance in elections.⁷¹ McQueen con-

⁶⁵ *Ibid.* p. 71.

⁶⁶ *Ibid.*, p. 68, Bryan; p. 80, Wilson.

⁶⁷ *Ibid.*, p. 62.

⁶⁸ *Ibid.*, p. 356, McQueen.

⁶⁹ *Ibid.*, p. 68, Bryan.

⁷⁰ *Ibid.*, p. 77.

⁷¹ *Ante*, p. 32.

tinued: "If we would not be willing to invest them with the right of suffrage, in case they were in a majority, it is not a sound principle to extend it to them whilst they are in a minority."⁷² The rising tide of pro-slavery feeling showed itself in several expressions. One member declared that he would as soon admit his own slave to equality as any free negro.⁷³ The condition of free negroes was justified as superior to the situation of ancient helots or European serfs.⁷⁴ The subjection of black men was defended as necessary to cultivate marsh lands and carry out internal improvements.⁷⁵ Mr. Wilson, of Perquimans, a county on the ocean, said, he had heard almost everybody saying that slavery was a great evil. Now he believed that it was no such thing—he thought it great blessing in the South. Our system of Agriculture could not be carried on in the Southern States without it—we might as well attempt to build a railroad to the moon, as to cultivate our swamp lands without slaves.⁷⁶

The votes show, however, that there was a considerable minority friendly to the negro. Mr. Daniel's proposition of June 12th, for a property qualification was amended on the same day by substituting a resolution proposed by Mr. Wilson: "That free negroes and mulattoes within four degrees, shall not in future be allowed to vote for members of the Senate or House of Commons."⁷⁷ This amendment was adopted by a vote of 61 to 58.⁷⁸ This resolution constituted the report of the committee of the whole, and the motion next day to strike out was lost, the vote standing 62 to 65. Then the report was adopted by a vote of 66 to 61.⁷⁹ As one would expect, the heaviest vote in favor of the negro was given by representatives from the anti-slavery region of the West. Of the 65 votes against striking out, 47 were cast by the east and 18 by the west. Of the 62 in favor of striking out the disfranchising provision, 40 were cast by the

⁷² *N. C. Con. Report*, 1835, p. 77.

⁷³ *Ibid.*, p. 356, Carson.

⁷⁴ *Ibid.*, p. 62, Bryan.

⁷⁵ *Ibid.*, p. 70, Macon.

⁷⁶ *Ibid.*, p. 80.

⁷⁷ *Ibid.*, p. 71.

⁷⁸ *Ibid.*, p. 72.

⁷⁹ *Ibid.*, p. 81.

west and only 22 by the east.⁸⁰ On the 6th of July, Judge Gaston brought up the subject again, and proposed a clause which would grant the voting privilege to colored men who "owned and possessed property, real or personal or both, of the clear value of five hundred dollars over and above all incumbrances, charges and debts." Although it was probably true that, as a member had said, even the requirement of \$250 would either produce frauds or amount to a nearly total disfranchisement, the majority were unwilling to make the slightest concession. Judge Gaston's proposition was defeated, 64 to 55,⁸¹ the substance of Mr. Wilson's resolution became a part of the state constitution⁸² and there was no more negro suffrage in North Carolina until the days of Reconstruction. This provision went one generation beyond that adopted by Tennessee, excluding all those descended from negro ancestors to the fourth generation inclusive.

One would naturally suppose that the precedent of Tennessee would have been cited in the convention in North Carolina,⁸³ but no reference to this example is recorded in the debates. At least Mr. McQueen, who did more of the speaking against negro suffrage than anyone else, was clearly unaware that either Maryland or Tennessee had deprived the African of the elective franchise.⁸⁴ In other states there was similar ignorance of what action had been taken elsewhere or in former times. When the New York convention of 1821 was in session, the veto of 1785 was apparently forgotten, for it was never mentioned. In the Pennsylvania convention of 1837-1838, which will be next discussed, several members referred to the debates of the New York convention and to the action of other states but no one spoke of the disfranchisement of colored men in North Carolina and toward the end of the session, one member asserted that negroes could still vote in that state.⁸⁵

⁸⁰ Bassett, *Am. Hist. Assoc. Report.*, 1895, p. 280; or *Johns Hopkins' Historical Studies*, vol. XVII., 358.

⁸¹ *N. C. Con. Report.*, 1835, p. 357.

⁸² Poore, II., 1411.

⁸³ "This restriction no doubt had a reflex influence on North Carolina." Weeks, *Pol. Sic. Quar.*, IX., 674.

⁸⁴ *N. C. Con. Reports*, 1835, p. 79.

⁸⁵ *Penn. Con. Reports*, 1837-38, X., 355, Biddle.

PENNSYLVANIA, 1837--38

In Pennsylvania, in 1837, there were many negro voters. It was roughly estimated by a member of the convention that some hundreds of colored men voted in York county, and some thirty or forty in Bucks.⁸⁶ Another member complained that the election in Bucks county that year had been influenced by the negroes and that the year before they had come within twelve votes of electing their candidate for Congress.⁸⁷ Allegheny, Dauphin, Cumberland, Juniata, Westmoreland and "many other counties" were also mentioned as places where negroes voted.⁸⁸ On the other hand, there were several thousand free negroes of full age in Philadelphia.⁸⁹ and they were all kept away from the polls by construing the constitution that the right to vote could not be exercised without a previous assessment.⁹⁰ They could not appear at the voting places with safety in the county of Philadelphia, and to bring them there "would endanger the peace and happiness of the whole black population." In many places throughout the state, "public sentiment rising above all law and the constitution, prevented them from coming to the polls."⁹¹ Whether they were legally entitled to the elective franchise under the constitution of 1790 was an unsettled question,⁹² about which, during the agitation which accompanied the session of the convention, "judges, lawyers, and statesmen, as well as citizens at large," differed "in diametrical opposition."⁹³ Election officers were doubtful as to whom they should permit to vote.⁹⁴ Before the meeting of the convention, little was thought about the subject. Two members, both from Philadelphia, had not known that any negroes had ever voted in any county in the state.⁹⁵ In North Carolina, the law which provided for the

⁸⁶ *Ibid.*, III., 90. Brown.

⁸⁷ *Ibid.*, V., 414. Sterigere.

⁸⁸ *Ibid.*, IX., 380. McCahen.

⁸⁹ *Ibid.*, I., 541. M'Dowell.

⁹⁰ *Ibid.*, I., pp. 82, 83. Martin.

⁹¹ *Ibid.*, I., p. 478. Martin.

⁹² *Ibid.*, III., p. 86. Woodward.

⁹³ *Ibid.*, X., 97. Hopkinson.

⁹⁴ *Ibid.*, IX., 383.

⁹⁵ *Ibid.*, I., 477. Martin; III., 90. Brown.

meeting of the convention of 1835 empowered it to disfranchise colored voters, but in Pennsylvania little had been previously thought or spoken of negro suffrage.⁹⁶ It was not one of the questions that led to the calling of the convention, it had probably not been discussed in any public meetings or proceedings that preceded the meeting of that body, and it had been agitated in hardly more than a single county at the time the delegates were elected.⁹⁷

The first suffrage article reported to the convention on May 17, 1837, contained no color distinction. The convention met May 2.⁹⁸ But on the 19th of June, Mr. Sterigere proposed a substitute containing the word "white"⁹⁹ which was discussed on that day and on the 21st and 23rd.¹⁰⁰ The debate on this question and on printing a memorial protesting against disfranchisement, which was sent to the convention by eighty negroes of Pittsburg, aroused public interest, newspapers discussed the question and popular excitement spread over the whole state.¹ The convention adjourned from July 14 until October 17.² During this period much opposition to negro suffrage was manifested. Mr. Sterigere said: "After adjournment in July, I passed through near half the counties in the State, and found opposition to negro suffrage was almost unanimous. Persons of all parties expressed the strongest objection to any political association with this class of our population."³ Mr. McCahen expressed the opinion that the people would not ratify the constitution unless colored men were expressly disfranchised.⁴ Yet there was a minority on the side of the negroes. In some counties attempts were made to bring them to the polls, and the clash of opposing sentiments and opinions threatened serious difficulties.⁵ When the convention met again, scores of petitions

⁹⁶ *Ibid.*, X., 96, Hopkinson.

⁹⁷ *Ibid.*, IX., p. 334, Earle.

⁹⁸ *Ibid.*, I., p. 233.

⁹⁹ *Ibid.*, I., p. 472.

¹⁰⁰ *Ibid.*, I., pp. 470-481, 549, 541, 561; III., pp. 82-91.

¹ *Ibid.*, V., 414, 416, IX., 357,

² *Ibid.*, III., 789.

³ *Ibid.*, IX., 357.

⁴ *Ibid.*, IX., p. 380.

⁵ *Ibid.*, X., p. 96

and memorials, praying for disfranchisement or for impartial suffrage, were sent in from all parts of the state.⁶ From Bucks county were sent twenty-six memorials and petitions asking that negroes be disfranchised and seven praying that they be permitted to vote; from Montgomery county, eighteen and two; and from Philadelphia county, fourteen and six, one of the latter having been sent ostensibly by colored people. One petition from Schuylkill, two from Lycoming, five from Westmoreland, one from Lancaster and two from York were opposed to negro suffrage: in favor of it were, one from Luzerne, coming from colored people, four from Lancaster, two from Mifflin, one each from Dauphin, Susquehanna, Deleware, and Washington, and fifteen from Chester. Most of the petitions, therefore, came from the eastern part of the state. Bucks, Montgomery, Philadelphia and Westmoreland, as far as the petitions are an indication, were the chief centers of opposition to negro suffrage, while all fifteen of the petitions from Chester were in favor of it. Meanwhile the question had been taken to the courts. Apparently, the lower tribunals had considered a few cases before the convention met, and when agitation was going on during the latter part of 1837, the friends of the negroes brought a number of suits to test the colored man's right to vote. In most of these cases it was decided that no such right existed.⁷ In June, an appeal was taken to the supreme court of the state, and the case was argued before it in July;⁸ but the decision, which was adverse to the negroes, was not handed down until after the convention had adjourned.⁹

Many of the arguments advanced in the Pennsylvania convention debates had been used before in the New York convention of 1821 and during the Massachusetts discussions of 1778.

⁶ *Ibid.*, V., pp. 414, 419, 426, 443; VI., pp. 46, 102, 298, 370, 371; VII., pp. 3, 117, 272, 295, 357, 384; VIII., pp. 91, 92, 113, 117, 161, 162, 193, 267; IX., pp. 41, 83, 114, 155, 219, 224, 225, 293, 294, 339; X., pp. 29, 193; XI., p. 3.

⁷ *Ibid.*, III., p. 86; V. p. 423; IX., p. 353.

⁸ *Ibid.*, III., p. 87.

⁹ *Hobbs et al., v. Fogg*; 6 *Watts*, p. 553, or 55 *Penn.* p. 214. I cannot fix the date when the decision was made public, exactly; but language used in the convention on Jan. 18, 1838, (IX., 375) and later, (X; 47, 97) shows that the case was not yet decided; and expressions used by Chief-Gibson shows that he was writing after the adoption by the convention of the new suffrage clause. 6 *Watts*, p. 530.

Some were new, and some of the old arguments were viewed from new standpoints and developed by new illustrations.

Several members objected to the use of the word "white" as too indefinite.¹⁰ This was the ground on which Gallatin was thought to have based his objections in 1790, but, said Mr. McCahen, there could no longer be any doubt as to the meaning of the word.¹¹ It was used in seventeen or eighteen state constitutions and in several laws of Congress, so that its significance had been settled.¹² Chief-Justice Gibson, however, thought that, for deciding cases of disputed color, it would have been better to fix a definite rule, such as forbidding mulattoes to the fourth generation to exercise the elective franchise.¹³

The opponents of negro suffrage urged that negroes were not fit to be voters, trying to make them equal to whites was as useless as were the attempts in early days to civilize the Indians, whose college education had aided them only "to beg from door to door, and ask for whiskey in Hebrew, Greek and Latin." An exceptional Indian or African, aided by the novelty of his situation, might acquire property and become a person of some consequence; but most of the negroes in Pennsylvania were still ignorant and degraded, despite great efforts that had been put forth to improve their condition.¹⁴ It was true that they were in poverty and had had little time to rise in the social scale; but, said Mr. Sterigere: "You could not select 40,000 white people from the lowest ranks of society, and of the most worthless character who would not in the course of sixty years produce thousands of instances of successful industry, enterprise and intellectual powers. This comparison and view alone must satisfy everyone of the natural inferiority of the negro or Ethiopian race."¹⁵ Nine-tenths of them were degraded and debased, and, though only a few already voted, there were five thousand in the city of Philadelphia and ten thousand elsewhere, who, if definitely assured that they had a right to vote.

¹⁰ *Pa. Con. Report*, 1837-8, p. 471, Merrill; IX., 375, Reigart; X., pp. 6, 7. Merrill and Forward, 132, Konigsmacher.

¹¹ *Ibid.*, III., 87.

¹² *Ibid.*, I., p. 472; III., p. 89.

¹³ *Hobbs et al v. Fogg*, *op. cit.*

¹⁴ *Pa. Con. Report*, III., p. 83.

¹⁵ *Ibid.*, X., p. 86.

would "rush to the polls in senseless and unmeaning triumph," the colored boot-blacks and chimney-sweeps would jostle and elbow respectable citizens, and would be able to control elections and distribute offices.¹⁶ To grant negroes the elective franchise would encourage them to come into Pennsylvania from the South.¹⁷ This fear led to the adoption, by 56 to 50, of a resolution that a committee be appointed to inquire into the expediency of prohibiting future immigration into the state of free persons of color and fugitive slaves.¹⁸ Neighboring free states restricted the migration of free blacks into their territory; the slave states were trying to drive them out of theirs. As a result, especially if negroes were granted the right to vote, Pennsylvania would be "inundated with the black population," whose habits were "more dissipated than those of any other portion of our citizens." "Tens and hundreds of thousands of this base and degraded caste" would be "vomited upon us," and would congregate in various places and control local elections.¹⁹ Mr. Hopkinson said: "We have here a colored population of fifty or sixty thousand rapidly increasing. We have in our neighborhood, sister states overflowing with this population, who may pour them in upon us in countless numbers, and who are now doing so to an alarming extent without the encouragement now proposed to be given to them."²⁰

If such great numbers of colored men were permitted to vote, they would be sure to elect black office-holders. Compromises in closely fought elections would enable them to become judges and legislators. No one could desire to see such a result. It would be unbearable to sit in a legislature even with a negro who was worth a hundred thousand dollars. Such a representative would surely be turned out of doors, for no one would legislate in company with men "whom you will not receive at your tables or in your houses as friends and acquaintances." It would not do to make voters of men who might be sold into slavery if they crossed the line into another state. It was

¹⁶ *Ibid.*, I., p. 541, McDowell; III., p. 83, Martin; IX., p. 365, Sterigere; IX., p. 383, M'Cahen.

¹⁷ *Ibid.*, I., p. 478, Martin.

¹⁸ *Ibid.*, V., pp. 443, 457.

¹⁹ *Ibid.*, V., pp. 453, 455, Mann, Brown; IX., 365, Sterigere.

²⁰ *Ibid.*, X., 94.

not to be thought of that it should be made possible for a southern gentleman to meet in the halls of Congress, taking part in national councils, the same slaves whom, a few years before, he had manumitted and sent to Pennsylvania.²¹ Indeed a fugitive slave could be elected to the legislature, if the color distinction were omitted; and what a spectacle it would be if his old master should come and drag him out of his seat and send him home! To allow negroes to vote and hold office would be "amalgamation to the fullest extent."²² This verbal thunder, which had been used in North Carolina,²³ was employed in about thirty five of the petitions and memorials that were sent to the convention.²⁴ A member inquired what specific object was feared under the name "amalgamation".²⁵ But what meaning was attached to the term is fairly clear from the language of the petitions: all thirty-five of them asked, substantially, "that measures may be taken to prevent all amalgamation between the white and colored population in regard to the government of our state." A more serious argument was made to the effect that, unless white people were willing to have their brothers and sisters and sons and daughters intermarry with negroes, it was a mere cheat to grant black men the elective franchise.²⁶ Political equality would be impossible without social equality: "For suffrage is only the expression of the opinions which are perpetually maturing under the influence of social intercourse and equality."²⁷

The feelings of white people, however, made any real equality permanently unattainable. "There always must be an inequality," said Mr. Martin, "because negroes are naturally incapable."²⁸ God and nature had made a distinction between the races.²⁹ It was not their condition but their nature that had

²¹ *Ibid.*, I., pp. 477, 478, Martin; III., 90, Brown; IX., p. 328, Sturdevant, p. 366, Sterigere, p. 382, M'Cahen; X., 81, Payne, 95, Hopkinson.

²² *Ibid.*, V., p. 418, Shellito; IX., p. 321, Martin.

²³ *Ante.*, pp. 57, 58.

²⁴ *Pa. Con. Report*, 1837-8., V., 443; VII., pp. 3, 272, 295, 357, 384; VIII., pp. 92, 113, 161, 267; IX., pp. 83, 114, 252, 293, 294, 339; X., pp. 29, 113.

²⁵ *Ibid.*, VIII., p. 117.

²⁶ *Ibid.*, V., 418, Shellito; IX., p. 322, Martin.

²⁷ *Ibid.*, X., pp. 222-25, Woodward.

²⁸ *Ibid.*, III., 83.

²⁹ *Ibid.*, III., p. 90, Brown.

made the distinction between the races.³⁰ It was a matter for consideration "whether negroes are a different species from the white man, and only a link in the chain of being."³¹ One member declared that "he would maintain on that floor and in the world to come, if he was permitted, that the negroes are a degraded race, and the whites entitled to superiority over them."³² Another quoted the slave-holder's favorite text, the story of Noah's curse of Canaan, declared that the negroes were a race for whom the Lord had provided no redemption, and asserted that "the Supreme Being who has created us all had made some bond and some free men, and he had declared that some should be the servant of the servants to the end of time."³³

Negroes themselves did not desire to vote, for they knew that the prejudices of white people were such that the elective franchise would not benefit the blacks. The attempt to go to the polls would be attended with bloodshed and even loss of life.³⁴ A race war would be inevitable.³⁵ "They could not be placed on an equality in political and social rights, with the white citizens. No white citizen would permit a negro to educate his children, or to marry into his family."³⁶ In Philadelphia, where there were several thousand of them," said Mr. Brown, "the signal for them to attend and give their votes would be the signal for their destruction. . . . In twenty-four hours . . . not a negro house in the city or county would be left standing. . . . It was the duty of legislators to consult the public feeling and not do violence to it by any of their acts."³⁷ Mr. Sturdevant said: "Injury, annihilation to the blacks would be the result of making him the equal at the ballot-box with the white, but you can never force the citizens of this commonwealth to believe or practice it."³⁸ Mr. Sterigere quoted the words of Jefferson: "Deep rooted prejudices enter-

³⁰ *Ibid.*, X., p. 85, Sterigere.

³¹ *Ibid.*, IX., p. 364.

³² *Ibid.*, IX., p. 335, Sturdevant.

³³ *Ibid.*, IX., pp. 386, 387, M'Cahen.

³⁴ *Ibid.*, IX., p. 380, M'Cahen.

³⁵ *Ibid.*, IX., p. 321, Martin.

³⁶ *Ibid.*, V., 414, M'Cahen.

³⁷ *Ibid.*, IX., 393.

³⁸ *Ibid.*, IX., p. 328.

tained by the whites, ten thousand recollections by the blacks of injuries they have sustained; the real distinctions which nature hath made; and many other circumstances will divide us into parties, and produce convulsions which will probably never end but in the extermination of one or the other race!"³⁹ It would, therefore, be cruel and wrong to "excite hopes and hold out the delusive shadows of privileges to black men which must end in disappointment."⁴⁰ It were far better that, as in the South, they should be taught from cradle to grave that they were inferior to the white man and were trained not to feel their degradation, than that they should be deluded by an empty, formal equality which would "Keep the word of promise to the ear

And break it to the hope.'"⁴¹

The men who applied the Declaration of Independence to the negroes were merely declaiming, and did not themselves really wish to make negroes equal with white men.⁴² The philanthropic sentiment about men of color was the result of misguided zeal. Men of wealth who contributed to the anti-slavery cause might better lend a helping hand to thousands of white people who were actuated by a laudable ambition never felt by negroes.⁴³ "The state of the white population is growing worse. We are fast treading on the heels of Europe." The people of Pennsylvania had nothing to do with bringing negroes from Africa and were clear of sin. No one imagined that the blacks were not better situated than in their aboriginal home. This agitation against slavery originated in England among philanthropists who overlooked the squalor of the white people around them and wasted their funds and their sentiment on distant Africans. "A great man who had nothing to do but to hunt out something to build a name upon set it on foot. A species of fanaticism sometimes takes possession of good men, and they are carried away by a belief, that a great deal more is yet to be done than ever has been done."⁴⁴ The only object in trying

³⁹ *Ibid.*, X., p. 85.

⁴⁰ *Ibid.*, I., 477, Martin.

⁴¹ *Ibid.*, III., 91, Brown.

⁴² *Ibid.*, I., p. 477; IX., p. 322, Martin.

⁴³ *Ibid.*, IX., p. 322, Martin.

⁴⁴ *Ibid.*, III., p. 84, Martin.

to secure negro suffrage was to degrade white laborers.⁴⁵ "The elevation of the black man is the degradation of the white man."⁴⁶

The opponents of color discrimination of course argued that taxation without representation was unjust. There were rich colored men in Bucks county, one worth nearly a hundred thousand: the elective franchise ought not to be withheld from one who had so deep a stake in society.⁴⁷ Van Buren's speech in the New York convention of 1821 was quoted,⁴⁸ and other references were made to the well-worn phrase;⁴⁹ but the argument was not elaborated. It was remembered that negroes had fought bravely in the Revolution,⁵⁰ and extracts were read from General Jackson's proclamations at the time of the battle of New Orleans, one of which called on negroes to fight "as sons of freedom," the other of which praised their valorous qualities, and neither of which, said the speaker, was a negro memorial.⁵¹ Disfranchisement of the blacks would be irreconcilable with the Declaration of Independence.⁵² "In the day of retribution there will be no inquiries made as to whether we had white or black skins, so that we have clear hearts; therefore let us do justice to all, and oppress none," said Mr. Earle, and he quoted the golden rule and the famous verse from Acts which declares that God "hath made of one blood all nations of men for to dwell on all the face of the earth."⁵³ Where would negroes obtain justice if not in Pennsylvania? Indeed there might be some violence done them if they attempted to vote; "but if injustice will be done, let it be done against the law, and not with the law."⁵⁴ Rights cannot be surrendered merely to avoid provoking the ire of a mob.⁵⁵ Even in the South, white and black sit at the same communion table, because it is real-

⁴⁵ *Ibid.*, I., 477., Martin.

⁴⁶ *Ibid.*, IX., 321. Martin.

⁴⁷ *Ibid.*, I., p. 576, Jenks

⁴⁸ *Ibid.*, IX., 376. Reigart.

⁴⁹ *Ibid.*, IX., p. 322, Dickey; X., p. 118, Jenks.

⁵⁰ *Ibid.*, X., p. 92, Forward.

⁵¹ *Ibid.*, X., p. 49, Darlington.

⁵² *Ibid.*, IX., p. 355, Earle, p. 355, Biddle.

⁵³ *Ibid.*, IX., p. 336; X., 56, Darlington.

⁵⁴ *Ibid.*, IX., p. 333, McClay.

⁵⁵ *Ibid.*, X., p. 6-7, Merrill.

ized that all are equal in the Creator's sight.⁵⁶ This doctrine that black men were incapable of self government was a dangerous one to put forth in this country for its application might be extended to some white men.⁵⁷ There could be political equality without social equality. Giving blacks the elective franchise would make them contented and perhaps useful as citizens, but depriving them of it would cause discontent and hatred to prevail among them.⁵⁸ The idea that they were naturally inferior was mistaken. Mr. Earle referred to Alexander H. Everett, a democratic candidate for Congress at the late elections in Massachusetts who proved from Herodotus that the ancient Egyptians, the fathers of the sciences and arts, were men of black skins, crisped hair, and Ethiopian extraction, and who called the prevailing notion that these characteristics were signs of inferiority an absurd and barbarous prejudice which the light of knowledge would eventually dissipate.⁵⁹ He also referred to Daniel O'Connell who said that "the worst of all aristocracies is that which prevails in America—an aristocracy which had been aptly denominated that of the human skin."⁶⁰ This sentiment, in the very spirit of Charles Sumner, when thirty years later he thundered his denunciation of the aristocracy of color, was incorporated in over a score of petitions against disfranchisement, which prayed "that no change in the existing constitution may be made having a tendency to create distinctions in the rights and privileges of citizens of this commonwealth founded merely upon their complexion."⁶¹

The argument that the right of suffrage would induce free negroes to come into the state was met by denial.⁶² They did not increase as fast as whites and their death rate was higher. They might be prevented from immigrating too rapidly by requiring from three to seven years residence before they could vote.⁶³ Only one member referred to the oppressive restrictions

⁵⁶ *Ibid.*, X., p. 12, Merrill.

⁵⁷ *Ibid.*, X., p. 13.

⁵⁸ *Ibid.*, X., p. 10, Forward.

⁵⁹ *Ibid.*, IX., p. 344.

⁶⁰ *Ibid.*, IX., p. 343.

⁶¹ *Ibid.*, VII., p. 295; VIII., pp. 113, 117, 161, 193; IX., pp. 41, 114, 115, 155, 293, 339; XI., p. 3.

⁶² *Ibid.*, X., p. 66, Dickey.

⁶³ *Ibid.*, X., p. 11, Forward.

in other states as an argument for giving the blacks an asylum in Pennsylvania. He thought it "the hardest thing in the world to deny" them "a resting place for the soles of their feet." But even he said: "If there is any prospect that the chains of the slave will be riveted faster upon him, in consequence of the efforts which are made for his liberation, then it is obvious that we need entertain no great fear that the State of Pennsylvania will be inundated—with the black population from other States."⁶⁴ Only one member was bold enough or inclined to ask why people should not be permitted to send a negro to the legislature if they chose.⁶⁵ This evidence, if it were needed, could be adduced to show the existence of a deep-seated prejudice against the negroes. Indeed one of their friends admitted that they were not a desirable class of population, but argued that, having been brought from Africa through violence and fraud, they had peculiar claims to being treated with justice and humanity.⁶⁶ Members expressed the hope and belief that prejudice against the negro, which it was hinted, did not prevail in European countries,⁶⁷ had been mitigated and would die away in America;⁶⁸ but its existence at the time was admitted as a fact. Mr. Maclay declared that all the arguments against the negro could be summed up by an old rhyme:

"I do not like you, Doctor Fell!
The reason why I cannot tell:
But this I do know passing well—
I do not like you, Doctor Fell."⁶⁹

On the side of disfranchisement, it was argued that it was no injustice to deny black men the suffrage as long as women did not vote;⁷⁰ and that if male negroes were admitted, by the same reasoning, female negroes ought to be admitted to the elective franchise.⁷¹ It was urged that negroes were neither

⁶⁴ *Ibid.*, V., pp. 456, 457, Earle.

⁶⁵ *Ibid.*, X., p. 11, Forward.

⁶⁶ *Ibid.*, IX., p. 332, Maclay.

⁶⁷ *Ibid.*, X., p. 12, Forward.

⁶⁸ *Ibid.*, IX., pp. 351, 352, Meredith, p. 354, Biddle.

⁶⁹ *Ibid.*, IX., p. 258.

⁷⁰ *Ibid.*, IX., p. 379, M'Cahen.

⁷¹ *Ibid.*, V., p. 418, M'Cahen.

freemen nor citizens within the meaning of the Constitution, and really had no right to vote.⁷² In the debate on printing a negro memorial, Mr. Sterigere said they were not citizens and had no more right to be heard than subjects of the monarchs of England and France.⁷³ The constitution and the laws recognized in them a distinct people. They were excluded from the militia, from the polls, from the jury box, and from office. A man might be a freeman and yet not a citizen; negroes could exercise none of the rights of citizenship.⁷⁴ Only white persons could be naturalized under the federal laws. The supreme courts of Connecticut and Kentucky had decided that negroes were not citizens, and Judge Kent had said: "They are essentially a degraded caste, of inferior rank and condition in society."⁷⁵ The disabilities laid on them in early days showed that they were not included by the framers of the state constitution among those "born equally free and independent." They could be among those "entitled to all privileges and immunities of the citizens in the several states" unless it should be assumed that this provision of the federal constitution was being systematically violated. The fact that all the Southern states forbade free negroes to carry firearms proved that they are not a part of "the people", whose right to keep and bear arms was never to be denied.⁷⁶

On the other hand, Mr. Maclay declared that a provision for excluding free negroes from the state would violate the second section of the fourth article of the United States constitution; that there was no evidence that the framers of the Pennsylvania constitution of 1790 meant white freemen when they used the word "freemen", and that the preamble of the law passed in 1780 to provide for the gradual emancipation of slaves showed that negroes were made freemen and therefore citizens.⁷⁷ Others tried to justify negro suffrage by the theory of social compact. "By suffrage," said Mr. Rogers, "I apprehend is meant, in its most enlarged sense, that expression of will by which man

⁷² *Ibid.*, V., p. 417. Cummins.

⁷³ *Ibid.*, IX., p. 221.

⁷⁴ *Ibid.*, V., p. 422.

⁷⁵ *Ibid.*, IX., pp. 360-364, Sterigere.

⁷⁶ *Ibid.*, IX., pp. 325, 326, Sturdevant.

⁷⁷ *Ibid.*, V., pp. 421, 451.

signifies his disposition to enter into the social compact—and to institute government. It is by that also he manifests his assent or dissent to the measures of that government. It is evidently, then, a natural and inherent right, and not at any time surrendered; for, by the exercise of it alone, can man pass from a state of nature into the social compact.”⁷⁸ Another opinion is recorded: “If society, when forming itself into the social state, had conferred upon any body of men a right, they specified the grounds upon which they hold it. If, then, under the social compact, originally adopted, men had become members of that society for life, and had brought up their children under it, he held it to be politically impossible for that social body, in or out of the convention, to disfranchise those men.”⁷⁹ Another, though friendly to the negroes, dissented from this Rousseauism: “The question cannot be placed on the ground of natural rights. We have no natural rights. We are making a rule of government, and a government founded on the laws of nature, would be a return to savage life, where every man could do as he pleased making the law for himself.”⁸⁰ One of the opponents of negro suffrage put a second edge on the principle of the consent of the governed: “The negroes never assented, and their presence here, since it was procured by fraud and force, could not be construed into an adoption of the country, or an acquiescence in its form of government. They were brought here to be slaves, and not freemen; and they were slaves and not freemen when the principles of government were agreed on, and when its foundations were laid.” Having never “consented” to the government or been admitted into the social compact, they were in the position of non-naturalized foreigners.⁸¹ It was not explained whose subjects they were. In this view, free colored people were native aliens, men without a country. A similar idea runs through Chief-Justice Gibson’s opinion. He describes the black laws of the 18th century and asks: “If freemen, in a political sense, were subject of these cruel and degrading oppressions, what must

⁷⁸ *Ibid.*, I., p. 474.

⁷⁹ *Ibid.*, X., p. 53, Scott; X., p. 68, Chauncy.

⁸⁰ *Ibid.*, X., p. 5, Merrill.

⁸¹ *Ibid.*, X., pp. 19, 20, Woodward.

have been the lot of their brethren in bondage?," and uses these laws as evidence, "that no colored race was party to our social compact." The word "freedom" signifies more than exemption from involuntary service. "The freedom of a municipal corporation, or body politic, implies fellowship and participation of corporate rights; But an inhabitant of an incorporated place who is neither servant nor slave, though bound by its laws may be no freeman in respect of its government." "The word freeman was applied in a peculiar sense to the political compact of our ancestors, resting like a corporation on a charter from the crown."⁸²

The most important phase of these debates is still to be reviewed. Much fear was expressed that the discussion of the question of negro suffrage would cause great excitement and endanger the safety of the union. Many members desired to leave the question for the supreme court to decide and wished to dispense with the reading or printing of memorials in favor of the colored people.⁸³ Discussion of it, said Mr. Agnew, would bring up the whole matter of slavery concerning which "excitement of a frightful kind prevails throughout many of the states." Negro suffrage "was a delicate question and should be spoken of with delicacy. We should agitate it as little as possible."⁸⁴ Charges were made that the abolitionists were responsible for pressing the right of negroes to vote among the people, in the convention and in the courts of justice, and that the agitation of this question was an abolitionist scheme to bring about a collision between the North and the South. During the early part of the discussion, in June 1837, a member who opposed the color discrimination said it might if adopted endanger the amended constitution before the people because abolitionists would vote against it.⁸⁵ A member on the other side was astounded: "If that be their object the sooner the people of Pennsylvania know it the better. He had thought it was their rights as human beings the abolitionists had been endeavoring to estab-

⁸² *Hobbs et al v. Fogg*, p. 6. *Watts*, p. 553.

⁸³ *Ibid.*, III., p. 87, Darlington, p. 51, Brown; V., pp., 415, 419; IX., pp. 220-232.

⁸⁴ *Ibid.*, IX., 367.

⁸⁵ *Ibid.*, V., p. 423; Cummins, IX., pp. 321, 322. Martin, p. 327, Sturdevant; X., p. 21, Woodward.

lish, not their rights to a political equality.’’⁸⁶ To permit negroes to vote, to make it possible that a black should be sent to Congress, would be a violation of covenant engagements with the South, an offence and a gross insult to the slave states, who would never have joined the Union had they anticipated that free states would make voters of their fugitive slaves.⁸⁷

In reply, Mr. Earle said that those who argued that granting negroes the elective franchise would cause the dissolution of the Union were “paying but a poor compliment to the nullifiers of the South, the great sticklers for the right of each state to regulate its own concerns.”⁸⁸ Several members who denied that they were abolitionists, complained bitterly that the Southern States had suppressed the right of petition in Congress and were trying to put down free discussion of the slavery question in the North.⁸⁹ “When the sacred rights of petition, and the freedom of discussion and the liberty of the press are decried by the free representatives of the citizens of free states,” said Mr. Dickey, “then it is indeed time to calculate the value of the Union.” One member declared that arguments against negro suffrage were arguments for slavery.⁹⁰ Another would refuse to appease the wrath of the South by doing injustice to a part of the inhabitants of Pennsylvania, and expressed indignation at the opinions of Governor McDuffy of South Carolina, that “slavery is a necessary ingredient of an unmixed republic,” and the conclusions of a writer in the Charleston Mercury who “trusted he had proved that slavery was approved by God and the patriarchs, and Christ and the Apostles, and that to say it was sinful to hold slaves was impious,” and at the attempt of Southern States to secure penal legislation against those who in the North, declared their belief “that slavery is a sin in the sight of God and man.”⁹¹ The speech of Mr. Reigart of Lancaster county, on January 18, 1838, deserves special attention. He denied that he was an abolitionist or that he was “among those

⁸⁶ *Ibid.*, III., p. 89, Brown.

⁸⁷ *Ibid.*, V., p. 418, Shellito; IX., p. 367, Sterigere, p. 353, Meredith; X., p. 22, Woodward.

⁸⁸ *Ibid.*, X., p. 39.

⁸⁹ *Ibid.*, X., pp. 41, 42. Darlington.

⁹⁰ *Ibid.*, X., p. 66, Decker, p. 121, Purviance.

⁹¹ *Ibid.*, IX., p. 353, Meredith.

who are disposed to minister to the morbid sensibilities of the southern politicians." He denounced the aggressiveness of the slave power. He contrasted the care taken to preserve neutrality on the Canadian border with the systematic violation of neutrality in Texas. He referred to the right of petition, which had been overthrown with the aid of Northern votes: "These recreant degenerate sons of patriotic sires . . . lent themselves, passive instruments, to the arrogant, imprudent, reckless pretensions of the hot bloods of the South, for the purpose of overthrowing this great principle of liberty." The Southern states were memorializing Northern legislatures to prevent their citizens from writing, printing, nay almost from thinking, on the subject of domestic slavery." "These aggressions men are called upon not only to permit but to applaud. We are told that southern gentlemen are high-born, high-minded, honorable and just. . . . The North has suffered much and great injustice from the South, and the time has come when northern men should speak plainly 'without reservation, equivocation or mental reservation.'" His attitude was similar to that of Mr. Jay in the New York Convention of 1821,⁹² and his argument also was similar. "My principal objection . . . is that it will be viewed in the South as the triumph of Southern principles in a Northern State." In conclusion he said: "The vote we are about to give will excite great surprise everywhere. In the South, it will be celebrated almost with bonfire, illumination, feasting, and every demonstration of joy. In it they will see the triumph of Southern principles in good old staid Pennsylvania; and we shall be obliged to witness the galling spectacle of the triumph of the dark spirit of slavery in our native state."⁹³

The vote, January 20, on Mr. Martin's motion to insert the word "white" resulted, yeas 77, nays 45.⁹⁴ Not all of the minority were in favor of permitting negroes to vote on an equality with whites. There were several members who realized the incapacity of the negroes and the prejudice against them, who were of liberal sentiments, and who wished to make pro-

⁹² *Ante*, pp. 31-32.

⁹³ *Ibid.*, IX., pp. 370-377.

⁹⁴ *Ibid.*, X., p. 106.

vision that negroes might vote under certain restrictions, or at a future time, when negroes should have made greater progress and the feeling of white people toward them should have become more favorable.⁹⁵ Accordingly, as soon as the disfranchising clause was carried, Mr. Scott, of Philadelphia, moved to add a proviso that, at any time after 1860, the legislature might extend the right of suffrage to colored persons on whatever conditions should seem expedient; but this motion was defeated by a vote of 73 to 36.⁹⁶ On January 22, Mr. Dunlop offered an amendment providing that negroes, who had resided three years in the State and owned property of the value of \$200 above all incumbrances, should have a right to vote, and that those not qualified to vote under this provision should be exempt from taxation.⁹⁷ This amendment was defended on the principle of "taxation and representation,"⁹⁸ and the speeches and vote of Martin Van Buren in the New York convention of 1821 were cited in its favor. "The vote of Mr. Van Buren had been published in all the papers of the South; but . . . the Southern people did not entertain such narrow prejudices against him, and were not so illiberal as to oppose him on that account. . . . The fact was, that the Southern people admitted that the present state of things in relation to slavery was wrong, and they only waited a propitious period to abrogate the evil."⁹⁹ These were the words of one of the most earnest and consistent opponents of the color discrimination. They indicate that much of the opposition to disfranchisement was based on broad humanitarian and democratic principles, and that the attitude represented by Reigart's fierce denunciations of the South was just beginning to become important. The vote on Dunlop's amendment resulted in its defeat by 86 to 36, and when it was offered again with \$250 instead of \$200 and a proviso that negroes should not be permitted to hold office it was again rejected, this time by a vote of 84 to 40.¹⁰⁰ Another amendment, offered

⁹⁵ *Ibid.*, IX., pp. 221, 350, 351, 352, Meredith; IX., p. 391, Brown; X., p. 56, Scott.

⁹⁶ *Ibid.*, X., p. 107.

⁹⁷ *Ibid.*, X., p. 11.

⁹⁸ *Ibid.*, X., p. 118, Jenks.

⁹⁹ *Ibid.*, X., pp. 124, 125, Earle.

¹⁰⁰ *Ibid.*, X., p. 125.

by Mr. Merrill, extending the suffrage to free men of color who could read and write was defeated by the still more decisive vote of 91 to 26.¹ An attempt was also made to secure a clause, like that in the Connecticut Constitution of 1818, providing that all persons entitled to vote before the ratification of the new constitution should continue to have the right of suffrage; but the motion was rejected by 73 to 42.² Then the report of the committee as amended by the insertion of the word "white" was adopted by a vote of 88 to 33.³

There seems to have been no tangible principle as far as the geographical distribution of the votes was concerned. One might expect that in the eastern part of the state where free negroes were most numerous opposition to negro suffrage would have been most general, but such was not the case. The convention was composed of senatorial and representative delegates. Of seven representative delegates from Philadelphia city, where the number of blacks was largest, four voted against the disfranchising amendment. One out of eight from Philadelphia county, two of three from Bucks county, four of six from Lancaster, one of two from Adams, and all four from Chester also voted on the side of the black man. Perhaps the influence of the Quakers in eastern Pennsylvania had mitigated the race antipathy of the whites. Comparing the vote with that in the New York convention of 1821, it is obvious that Pennsylvania was much less liberal toward the negro than was New York seventeen years before. Indeed there was a larger proportionate minority on the side of the colored man in both Tennessee and North Carolina. One member, who, had he voted, would have sided with the minority should not be forgotten. Thaddeus Stevens, a native of Vermont, and a graduate of Dartmouth College, had come down into Pennsylvania and established himself as a lawyer in York county near the border of Maryland. Here he observed the workings of the fugitive slave law, saw one of the worst aspects of negro servitude, helped defend colored men claimed as fugitives, and developed an intense hatred of

¹ *Ibid.*, X., pp. 126, 130.

² *Ibid.*, X., p. 131.

³ *Ibid.*, X., p. 134.

slavery.⁴ He took an active part in the debates of the convention, but strange to say never spoke or voted on the negro suffrage question. When the constitution was finally adopted however, he refused to sign it because he could not sanction any discrimination on account of race or color.⁵

Pennsylvania was the last state in which, after negroes had once voted under a semblance of legality, a color discrimination was adopted excluding them from the electorate. Delaware had disfranchised them in 1792, Kentucky in 1799, Maryland in 1801, New Jersey in 1807, Connecticut in 1818, Tennessee in 1834, North Carolina in 1835, and Pennsylvania in 1838. New York had imposed severe restrictions in 1821, and the Federal Government passed the last act permitting negroes to vote in the territories in 1809 in organizing the Territory of Illinois. In Maryland, New York, New Jersey, Connecticut and Delaware, legislative or judicial action had been taken, before or at the time the disfranchising measures were adopted, that impliedly or expressly recognized that colored persons of some descriptions had had a right to vote. In Tennessee and North Carolina, they voted in such great numbers that the legality of negro suffrage had to be admitted, although it was doubtful how their right to vote was first acquired. In Pennsylvania the right was more doubtful still, and the supreme court of that state, after the privilege had been totally abrogated, decided that it had never existed. In none of the states, probably, was negro voting uniform: in many localities they did not vote at all, and where they did vote, many never came to the polls. The action to disfranchise them, at least in some instances, was taken because the number of them who voted was becoming considerable, even their friends practically admitting that it would not do to let them have any real influence in elections. Many of those who opposed disfranchisement were men of broad views and liberal sentiments, were influenced by the Revolutionary ideals of liberty and equality and by the principles of the first champions of the anti-slavery cause, and were often men of great intellectual ability, such as Governor Livingston, Chancellor

⁴ McCall, S. W., *Thaddeus Stevens, Am. Statesmen Series*, pp. 20, 21, 26.

⁵ *Ibid.*, p. 48.

Kent, Rufus King, Martin Van Buren and Judge Gaston. A new element of opposition to restrictions on the right of colored men to the elective franchise is disclosed in the speeches of Jay in the New York convention of 1821 and of Reigart in the Pennsylvania convention of 1837 and 1838, and in the charges that abolitionists were championing the side of the negro. Henceforward the question of negro suffrage was destined to become increasingly involved with the question of slavery and with the sectional controversy between the North and the South.

CHAPTER III

SUFFRAGE AND ANTI-SLAVERY, 1838 TO 1846

The question of negro suffrage had several times, up to 1838, been a matter of considerable popular concern. The discussions on the subject were, however, more or less isolated: they were not results or part of an agitation continued through many years. The question was long to remain a minor one and did not become a leading issue till after the Civil War; but it became in some degree a party question. Although negro suffrage was not incorporated as a plank in party platforms and although the votes for and against it were not confined by party lines, the agitation in favor of it, as the subsequent account will show, was to be in most instances more or less definitely connected with the abolitionist and anti-slavery movements and with the Liberty, Free Soil and Republican parties. The records, however, are not as continuous as the agitation probably was and hence there will be very appreciable gaps in the narrative.

NEW YORK, RHODE ISLAND, NEW JERSEY

In the autumn of 1838, some of the anti-slavery men of the eighth senatorial district of New York questioned Addison Gardiner, afterward Lieutenant-Governor, but then Democratic candidate for state senator, concerning his opinions on various negro subjects, among others the question of extending the suffrage to colored men on an equality with whites. In a letter dated, Rochester, October 16, 1838, and addressed to eight members of the Anti-Slavery Society of Genessee County, he replied, in effect, that negroes were not capable of being good voters, but that he did not "deem their numbers or influence in this State sufficient to justify us in withholding from them the right of suffrage. There should be no exception to the doctrine of equal

rights without a strong necessity, and that necessity I do not conceive to exist in the present case."¹ When Thomas W. Door was trying to secure extension of the elective franchise in Rhode Island in 1841, he took the ground that the suffrage was not a privilege but an inalienable natural right.² Yet the framers of the Dorr Constitution, adopted November 18, 1841, used the words, "Every white male citizen," to describe electors, at the same time exempting colored people from taxation.³ This race discrimination may have been due to the influence of foreigners in the State; for the Constitution that actually went into force, adopted in November 1842, extended the suffrage to native citizens who paid one dollar in taxes or had done militia service, but only to such foreign born citizens as owned one hundred and thirty-four dollars worth of real estate.⁴ The New Jersey constitutional convention of 1844 made the color distinction adopted by statute in 1807 a part of the constitution itself. None of the speeches are reported, and therefore, although the suffrage was discussed, it is impossible to tell whether anything was said concerning the negroes. The subject was apparently brought up but once, and then by a petition "from sundry colored inhabitants, praying to be admitted to the right of suffrage."⁵ Another petition was presented asking that the elective franchise be extended to women.⁶ These somewhat unrelated occurrences lead up to the consideration of the New York Convention of 1846.

NEW YORK, 1846

The discriminating clause adopted in 1821 had probably disfranchised all but a few negroes. Some of them must have accumulated more or less property during the next generation, and perhaps the requirement of a freehold estate was not strictly enforced. In 1845, there were about one thousand colored voters, while twice that many negroes were taxed.⁷ The anti-slav-

¹ *New York Weekly Tribune*, October 26, 1846.

² Richman, I. B., *Rhode Island*, p. 290.

³ Green, G. W., *A Short History of Rhode Island*, p. 320.

⁴ *Ibid.*, pp. 306, 307.

⁵ *Journal of Proceedings of the New Jersey Convention of 1844*, pp. 49-50, 63

⁶ *Ibid.*, p. 102.

⁷ *New York Convention Report*, 1846 p. 790, Dana.

ery discussions current at the time made it inevitable that the question should arise in the convention: shall the negro's right to vote be further extended and made equal with the white man's, or shall it be totally abrogated? There was undoubtedly more or less agitation of the suffrage question during the election of delegates to the convention. A member from St. Lawrence said it was the only issue in that county, that he had been interrogated, and had announced his opposition to negro suffrage.⁸ On June 13, 1846, the constitutional convention adopted a resolution ordering the committee on elective franchise to inquire into the expediency of abolishing the property qualification for negroes.⁹ On the 15th of July, the committee reported back an article which altogether deprived them of the elective franchise and confined it to "white male citizens." In explanation, it was said later that all property qualifications were anti-republican, and that negroes ought to be excluded from the electorate entirely on account of their race or admitted on an equality with whites for the sake of their humanity.¹⁰ In support of disfranchisement, many of the arguments of previous discussions were again employed. Negroes were of an inferior race. They were under a curse from which there was no recovery. They were aliens by the fiat of the Almighty, separated from the whites not by petty distinction which time could obliterate, but by the broad and permanent distinction of race.¹¹ Political equality would mean social equality; the negroes themselves had announced that they desired equal privileges in churches and schools and with respect to holding office, and that it was God's design to annihilate caste by bringing the races together in this country.¹² Even if the popular prejudice were mistaken or were transient, it should be taken into account: "we had got to take notice of prejudices, so far as they would influence the true organization of society."¹³ Moreover the feeling against negroes was founded in reason, for they furnished a much larger proportion than white people of the criminals in the prisons of the

⁸ *Ibid.*, p. 777, Russel.

⁹ *Ibid.*, p. 68.

¹⁰ *Ibid.*, p. 783, Kennedy, p. 790, Burr.

¹¹ *Ibid.*, p. 786, Hunt, p. 789, Perkins, p. 791, Harrison.

¹² *Ibid.*, p. 785, Kennedy, p. 788, Stow.

¹³ *Ibid.*, pp. 787, 788, Stow.

state, and were in general more degraded than the same class in the South.¹⁴ To extend suffrage to free colored persons would encourage migration into the state. The stringent law of Ohio, which forbade free blacks to reside within the commonwealth, might be adopted by Kentucky. New York would then become a reservoir into which other states could pour this undesirable class, and an avalanche of men raised in bondage would tell the people of New York how to conduct a free government. The result would be to lower the position of the working people by bringing them into contact with a degraded race.¹⁵ Suffrage was a privilege, not a right, and black men ought to claim it as an inalienable natural right no more than women and children. Negroes were not *bona fide* citizens. The whites had formed themselves, or were formed by the operation of circumstances and the law of necessity, into a distinct nation, and they had a right to exclude negroes if they desired. Negroes also had a right to migrate from the country and set a government of their own. Their destiny, far from ignoble, was to return to Africa, and to teach the dusky, naked savages and idolators there, the arts and learning of a superior race.¹⁶ One member, a native of Baltimore, Maryland, agreed with Thomas Jefferson that negroes were capable of much improvement. He denied, however, that suffrage would benefit them, and he made a significant charge against the abolitionists, who extended their sympathies to the extreme link of humanity because it was the extreme link of humanity. In Maryland, the anti-slavery cause was making rapid progress, he said, until Northern fanatics interfered: "On that day, anti-slavery was left dead upon the field, and the loosened fetters of the slave were replaced with double rivets.—The destruction of active efforts of anti-slavery in the South, is the only victory I have ever known abolitionism to gain."¹⁷

The champions of equal rights denied that slaveholders had ever been on the point of manumitting their slaves.¹⁸ Anyone, said one of them, who voted to deprive black men of their poli-

¹⁴ *Ibid.*, pp. 784, 785, Kennedy.

¹⁵ *Ibid.*, p. 788, Stow.

¹⁶ *Ibid.*, p. 777, Russel, p. 783, Kennedy, pp. 186, 787; Stow.

¹⁷ *Ibid.*, pp. 784, 785, Kennedy.

¹⁸ *Ibid.*, p. 786, A. W. Young.

tical rights was a friend of slavery.¹⁹ Negroes were not naturally inferior to whites. Color was merely an incident of latitude. De Witt Clinton had favored amalgamation to improve the species. Africans were fully as intelligent as immigrants from Europe, and it did not become a man of sense, to infer that, because of a black skin and curly hair, the negroes were not endowed with minds equal to those of any other race or nation.²⁰ Over and over again, members urged that they were men, and, according to the great Declaration, entitled to equal rights, and not justly to be governed without their own consent.²¹ Although it was said that negroes could legally sit on juries, and although an instance was given of a negro who served as juryman in Buffalo, it was admitted that a great prejudice against them prevailed. In New York, they were not even permitted to drive a cart. They were so greatly oppressed and degraded as to make it a wonder that criminals among them were not much more numerous.²² White women and children were protected by the men; but no one would stand up for the colored race, who therefore needed the suffrage as a means of protection.²³ The word "white" was too indefinite and might cause hardship.²⁴ There was no danger that negroes would become too numerous, for they were already being whitened out of existence by amalgamation,²⁵ and the experience of New England showed that there was no danger of an influx from other states.²⁶

The votes in the convention show little change of sentiment since 1821. On striking out the word "white" and permitting negroes to vote under the same restrictions as other citizens, there were 37 ayes and 63 noes.²⁷ There were 42 ayes and 50 noes on a motion to reduce the property qualification from \$250 to \$100.²⁸ A motion to retain qualified suffrage provision of the

¹⁹ *Ibid.*, p. 790, Simmons.

²⁰ *Ibid.*, p. 786, Young, Waterbury, p. 789, Simmons, p. 820, Bruce.

²¹ *Ibid.*, p. 776, Bruce and others, p. 785.

²² *Ibid.*, p. 777, Strong, p. 785, Dana, p. 786, Rhoades.

²³ *Ibid.*, p. 786, Waterbury.

²⁴ *Ibid.*, p. 776, Burr.

²⁵ *Ibid.*, p. 776, Burr.

²⁶ *Ibid.*, p. 788.

²⁷ *Ibid.*, p. 788.

²⁸ *Ibid.*, p. 790.

old constitution was adopted by 63 to 32,²⁹ and a subsequent proposition to remove all restrictions on the right of colored persons to vote was defeated by 75 to 29.³⁰ An attempt to introduce an educational qualification was laughed at,³¹ but it was decided by a vote of 73 to 26 on October 2, 1846, to submit to the people, at the fall election, the question of equal suffrage to colored persons.³²

This question was directly at issue in the convention only on the motion to remove all restrictions that did not apply equally to whites, which received 29 votes in its favor. Fourteen of these were cast by natives of New England states, of whom there were forty in a convention of one hundred and twenty-six members. The New Englanders therefore comprised a little less than one-third of the convention but gave about one half the votes for negro suffrage. Most of the votes on that side came from the North and especially from the West. A decided change from the situation in 1821, when no geographical grouping of votes could be noticed, is also shown by the fact that the city of New York, then about equally divided, now cast fifteen of its sixteen votes against extension of negro privileges.

The vote of New York City may have been due to the influence of foreigners in politics. Or, perhaps it was due to the fervor of the Democrats, who controlled the convention, and whom ardent anti-slavery men held responsible for the defeat of negro suffrage.³³ The *Tribune* complained, in an editorial headed, "The Elective Franchise—Dough Face Stock Rising," that the negro question had been postponed and was later "to be crowded through in the most hasty manner, and so as to serve the peculiar interests of the South." A member of the committee that reported the first disfranchising article had been made a revenue official at New York. "Had he left out the word white," asks the *Tribune*, "would he have gotten that berth from a President who wars against Mexico to restore negro slavery where it had been abolished?"³⁴ This paper urged the friends of equal suf-

²⁹ *Ibid.*, p. 791.

³⁰ *Ibid.*, p. 820.

³¹ *Ibid.*, p. 820.

³² *Ibid.*, p. 824.

³³ *New York Weekly Tribune*, October 10, 1846.

³⁴ *Ibid.*

frage to bring out the largest possible vote in its favor, exhorted "every true Republican, every just man....every man who reveres God and loves righteousness" to do his utmost "to render this instalment of justice to the long suffering children of Africa," ridiculed "the exaction of dirt as a requisite to constitute a man a voter," applied to the question of equal suffrage the test of the Declaration of Independence and decided that longer disfranchisement of colored men would be "an outrage and a shame."³⁵ After the election of November 3, the *Tribune* charged that in New York and Brooklyn, at many voting places, Tammany made it difficult or impossible to secure a ballot for the constitution or for equal suffrage.³⁶ The defeat of the proposition to abolish the property qualification for blacks and put them on an equality with whites was however too decisive to be questioned. The vote stood 224,336 to 85,406.³⁷ Several counties in the North and West gave majorities in favor of negro suffrage; Clinton, Franklin, Washington, Essex, Cattaraugus, Wyoming, Cortland, Oswego and Madison. The same counties gave heavy votes for Van Buren when he was Free Soil candidate for president in 1848,³⁸ but his total vote was larger by half than that in favor of the negro in 1846, as one would expect in view of the fact that the suffrage question brought out only about two-thirds of the normal vote of the State. That one fifth of the voters of this commonwealth, twenty years before the reconstruction period, should have been desirous of putting negroes on an equality with white men at the polls, is evidently of no small significance in accounting for the triumph of radical policies in dealing with the negro problem in the South. Nor was New York the only eastern state to deal with the question. The next year, 1847, the anti-slavery agitators in Connecticut evidently secured a legislative enactment submitting the negro suffrage issue to popular vote, although the legislature refused to endorse the striking out of the word "white" from the constitution.³⁹ Connecticut was to give Van Buren five thousand

³⁵ *Ibid.*, October 10, 24, 31.

³⁶ *Ibid.*, November 14.

³⁷ *Tribune Almanac*, 1870, p. 53; Appleton's *Annual Cyclopaedia*, 1869, p. 490; also Niles, *Register*, LXXI., p. 198, Nov. 28, 1846.

³⁸ *Whig Almanac*, 1849, p. 54.

³⁹ Niles' *Register*, LXXII., p. 227, June 12, 1847.

votes in a total of sixty-two thousand in 1848,⁴⁰ but in 1847, on the negro suffrage question, only about a third of the vote of the state was called out, and the proposed extension of the franchise was defeated by 19,495 to 5,616.⁴¹

⁴⁰ *Whig Almanac*, 1849., p. 64.

⁴¹ *Niles' Register*, LXXII, p. 148, Nov. 6, 1847; Appleton's *Annual Cyclopaedia*, 1861, p. 205.

CHAPTER IV

THE STRUGGLE IN THE NORTHWEST, 1844-1857

The most notable efforts, however, to secure negro suffrage during the forties and fifties were made in the Northwest. In all the states carved out of the Northwest Territory and in Iowa and Minnesota, the question was to be agitated at various times before the outbreak of the Civil War.

The first constitutional convention of Iowa sat during the month of October 1844. Composed of 72 members, 19 natives of New York and New England, 26 natives of slave states, and the rest natives of the other states and foreign countries,¹ the great majority of the convention represented strong prejudices against black men. One member offered a resolution that petitions for negro suffrage should never be entertained by the Legislature, and complained that, under the Territorial government, the practice of sending negro petitions had become a nuisance.² Another member, a native of New York, representing the Dubuque district asserted that his constituents had instructed him to get a provision put in the constitution which would keep negroes out of the state, that their attitude was: "Slave or no negro," and that if their wishes were not carried out, Iowa would be overrun by broken down slaves from Missouri.³ In accordance with these views, the convention adopted, by a vote of 32 to 21, a section which made it the duty of the legislature, as soon as practicable, to pass laws to prevent the settlement of colored people in the state.⁴ Eleven days later, however, this

¹ Virginia 11, No. Carolina 6, Kentucky 8, Tennessee 1, New York 9, Vermont 6, Massachusetts 1, Connecticut 1, New Hampshire 1, Maine 1, Pennsylvania 13, Illinois 1, Indiana 1, Ohio 8, New Jersey 1, Scotland 1, Ireland 1, Germany 1; Shambaugh, B. F., Editor, *Fragment of the Debates of the Iowa Constitutional Conventions of 1844 and 1846*, etc., pp. 408, 409, 410.

² *Ibid.*, p. 123.

³ *Ibid.*, p. 155.

⁴ *Ibid.*, p. 66.

provision was stricken out, by a vote of 35 to 32, because it was feared that it would run counter to the Federal constitution and that it would make more uncertain the admission of Iowa into the Union.⁵

Several petitions were presented which asked that persons of color be permitted to vote. One of them was referred to a committee which reported, without other discussion, against granting the request.⁶ When another was presented, and motion to lay it on the table and to refer it to the committee on suffrage and citizenship had been lost, Mr. Hall, who made the adverse report on the former petition, moved that it be referred to a select committee of thirteen. One member opposed this motion because he feared to send abroad a report that would agitate the country and produce excitement and heated discussion. There were, however, several who, denying that they were abolitionists and admitting that the prayer of the petitioners ought not to be granted, argued that the Abolitionists, though small in numbers, had a right to be heard, that the citizens who favored negro suffrage were "as worthy as any others," and that their requests should be met with reason and with candor. Mr. Hall's motion, therefore, prevailed.⁷ The arguments which the committee advanced in their report, show how much the political thinking of that time was charged with the principles of Jefferson, and how necessary it was considered to reconcile political action with the theories of the Declaration of Independence. "That all men are created equal, and are endowed by their Creator with equal unalienable rights, your committee are free to admit; that, so far as nature is concerned, those rights are as sacred to the black man as the white man, and should be so regarded. This, however, is a mere abstract proposition, and although strictly true, when applied to man in a state of nature, yet it becomes very much modified when man is considered in an artificial state in which government places him." Women and children are not permitted to vote. They "are denied what we abstractly term inalienable rights."—"The negro is surely no better than our wives and children." It is erroneous to confuse natural with

⁵ *Ibid.*, pp. 155, 156.

⁶ *Ibid.*, pp. 10, 11.

⁷ *Ibid.*, pp. 26, 27, 28, 29.

artificial rights or to treat "the artificial institution of government as sacred and unalienable to man as the abstract rights of nature." Government is strictly conventional. "It is made for those who are to be benefited by it, and is not bound to unbar its doors and receive every vagrant who may take refuge in it.—In forming or maintaining a government, it is the privilege and duty of those who have or are about to associate together for that purpose, to modify and limit the rights of, or wholly exclude from the association, any and every species of persons who would endanger or lessen, or in the least impair the enjoyment of these rights.—It is the party to the compact that should complain, not the stranger.—True, these persons may be unfortunate, but the government is not unjust.—It is the *white* population who are about to form a government for themselves. No negro is represented in this convention, and no one proposes to become a member of the compact.—The negro not being a party to the government has no right to partake of its privileges." It would be dangerous to encourage their migration into the state: "The policy of other states would drive the whole black population of the Union upon us. The ballot box would fall into their hands.—There are strong reasons to induce the belief that the two races could not exist in the same government upon an equality without discord and violence that might eventuate in insurrection, bloodshed, and final extermination of one of the two races. No one can doubt that a degrading prostitution of moral feeling would ensue; a tendency to amalgamate the two races would be superinduced; a degraded and reckless population would follow; idleness crime and misery would come in their train; and government itself fall into anarchy or despotism."^s

The constitution proposed in 1844 was rejected, and there was chosen another convention which met in 1846. In the fragmentary records of its proceedings now available, no reference to negro suffrage can be found. But it is improbable that any stronger sentiment favorable to negroes was exhibited than in 1844, for of the 32 members, ten Whigs and twenty-two Demo-

^s *Iowa Constitutional Debates*, 1857, II., pp. 650, 651. The report was quoted in full by the minority of a committee of the convention of 1857. Shambaugh, B. F., *History of the Constitutions of Iowa*, pp. 213, 218.

erats, who composed the convention 15 were natives of slave States.⁹ Iowa was yet to become the most radical on negro questions of all the states east of New England, but at this time there was probably less of liberal feeling toward colored people than in the neighboring Territory of Wisconsin.

WISCONSIN, 1846 TO 1848

The negro suffrage question had already been agitated there. In January 1844, six colored men petitioned the Legislature to extend the suffrage to all persons holding real estate, or one hundred dollars worth of taxable property. This petition was referred to a select committee of the council but no favorable action was taken. In the House, where similar petitions were presented, the judiciary committee reported that it was inexpedient to meddle with the question.¹⁰ But it could not be kept down. The constitutional convention which met at Madison, October 5, 1846, received several petitions of the same nature, one of them asking for the removal of all distinctions on account of color, sex or nation.¹¹ The debates of that body show that previous discussion of the question had been considerable, that it was pressed chiefly by the abolitionists and their sympathizers, and that politicians had already clearly recognized that the people of the western part of the territory were almost unanimously opposed to negro voting and that many in the eastern counties were strongly in favor of it. During the legislative session in the first months of 1846, Marshall M. Strong of Waukesha had spoken vigorously in favor of impartial suffrage; the abolitionists of that county congratulated themselves on a new acquisition and passed resolutions commending his attitude; but in the constitutional convention he expressly repudiated his former views and argued on the other side.¹² It was charged

⁹ Shambaugh, *Fragments*, etc., pp. 414, 415. Virginia 4, Kentucky 6, North Carolina 3, Alabama 1, Maryland 1, New York 3, Connecticut 4, Vermont 4, Pennsylvania 2, Ohio. 4.

¹⁰ *Council Jour.*, Wis. Terr. Legis., 1844-45, p. 230; *House Jour.*, 1843-44, pp. 167, 336. Baker, F. E., *A Brief History of the Elective Franchise in Wisconsin*, State Hist. Soc. of Wis. *Proc.*, 1893, p. 4.

¹¹ *Journal of the Convention of 1846*, pp. 82, 237; *Madison Express*, Nov. 3, 1846.

¹² *Madison Express*, Oct. 27, 1846, notice of Strong's speech and editorial, "Crawfishing."

that others had likewise changed their position, that six, out of eleven Waukesha delegates, had voted against negro suffrage against the known will of a majority of their constituents.¹³ One member maintained that every delegate was pledged on the question, and that a great many members from the eastern counties could not have been elected if it had not been known that they were in favor of negro suffrage.¹⁴ Several members of the convention, in speaking on the side of the colored people, felt it necessary to deny that they were Abolitionists or connected with the Abolitionist party.¹⁵ Nevertheless, the opponents of negro suffrage identified it with that party, and Moses M. Strong in his speech on the question "came down—like a perfect avalanche" upon the anti-slavery enthusiasts and declared for "war to the knife and knife to the hilt."¹⁶ The same speaker said that unless negroes were refused the ballot, the constitution would not receive fifty votes west of Rock River, for the inhabitants of that region would consider it an infringement on their natural rights to be placed on an equality with negroes. Mr. Gibson replied that the North and East as strenuously advocated giving black men the right to vote as the West opposed it; that this feeling was increasing daily and would continue to increase as long as the question might be agitated.¹⁷ The next day a motion to submit the question separately to the people, was opposed on the ground that the West feared, mistakably indeed, that the East intended to force negro equality upon them and would, therefore, vote down the entire constitution; they could not be convinced that most of the people in the East were "sound" on this matter, for the debates in the legislature had made it appear that negro suffrage was the settled policy of the eastern counties.¹⁸ The debate on striking out the word "white" from the suffrage article took place October 21, and next day the discussion turned on the proposition to take a separate vote on

¹³ *Ibid.*

¹⁴ *Ibid.*, Speech of Mr. Burchard; also *Wisconsin Argus*, Madison, Oct. 27, 1846.

¹⁵ *Madison Express*, Oct. 27, 1846, Warren Chase, Judd; also communication by an "Inquirer" in issue of Nov. 10.

¹⁶ *Ibid.*, Oct. 27.

¹⁷ *Ibid.*

¹⁸ *Wisconsin Argus*, Oct. 27, 1846. Speeches of Bevans, Burnett, and Moses M. Strong.

the question of colored suffrage. As was to be expected, the friends of the negroes based their arguments on the principles of equality, of democracy, of the natural rights of man, and of the injustice of taxation without representation; and then half gave away their case by carefully proving that granting the elective franchise would not encourage negro immigration. The negroes, said Mr. Judd, had been brought up here and knew only our laws, country and language, and must be regarded as citizens. Mr. Burchard admitted that Africans were degraded and borne down by the general prejudice against them and that social equality was impossible. But the removal of the color discrimination would be in accord with the principle that "all men are born free and equal." Negroes had rights and needed the ballot to protect them. "Is it not wrong to deprive the negro of the right to vote and then as an equivalent tender to him exemption of his property from taxation? We live * * * in an age of progressive democracy. * * * Until you can prove that it is a crime to be born with a colored skin, I appeal to your justice, to your humanity, to let this provision mark the progress of liberal views."¹⁹ About a dozen others were on the same side, actuated not only by their theoretical democracy, but also, as Mr. Gibson avowed, by the desire to strike at the institution of slavery. On the other side, also, familiar arguments were used. The right to vote was not a natural right but a franchise bestowed or withheld as the public good demanded. There were only a few in the state, and it was therefore useless to agitate a mere abstraction. Negroes were too servile and despised ever to be put on an equality with white men, but giving them the suffrage would tend to promote intermarriage and amalgamation. Mr. Ryan, who many years later as chief-justice proved himself the greatest jurist of Wisconsin, feared that the state would be overrun by fugitive slaves who then made Canada their destination. He was in favor of ameliorating the conditions of the negroes and thought the plan of colonization was the most practicable means; but social equality was impossible. He said that in New York City every

¹⁹ Burchard's speech is printed, evidently from a manuscript, in the *Madison Express*, Oct. 27, 1846.

negro was a thief and every negro woman worse, and asserted that it was wrong to mingle races on whom God had put an insuperable mark of separation.²⁰ On the 26th, W. H. Clark made a similar argument and confirmed his reasoning by quoting from the speech of McQueen in the North Carolina convention of 1835.²¹ He apparently agreed with some negro champions that the ancient Egyptians were negroes, but the blacks had never had energy enough to assert their freedom, had not shown themselves safe depositories of political power, and even in ancient Egypt when they had cradled the arts and sciences, had been merely enlightened slaves. The pyramids, he said, were "everlasting mementoes of the abject despotism which forced unwilling hands to pile those masses to the clouds."²²

The suffrage article had been reported to the convention with the usual race discrimination, and the motion to strike out "white" was defeated, after the debate of Oct. 21, by a vote of 91 to 12.²³ The proposition to submit the question to the test of popular judgment was to be more successful. It was defended, on the ground that it would allay agitation by destroying the ground on which the radical anti-slavery men stood, and that it was in accord with democratic principles; and denounced, as a firebrand to be thrown into the whole West, merely to gratify a handful of violent abolitionists. Many of the eastern members were no doubt influenced by the attitude of their constituents and dared not attempt to stifle agitation, and probably they also feared that the abolitionist vote would be cast against the constitution unless an opportunity should be given to vote directly on the negro suffrage issue. Accordingly, after the amendment providing for separate submission had been twice defeated,²⁴ it was finally passed by a vote of 55 to 48.²⁵

The suffrage question was not prominent among those discussed

²⁰ *Ibid.*

²¹ *Ante*, p. 45.

²² *Madison Express*, Nov. 3, 1846.

²³ *Journal of the Convention of 1846*, pp. 29, 67, 91, 94. The twelve were: Atwood, Burchard, Warren, Chase, Doty, Gibson, Giddings, Goodell, Hunkins, Moore, Randall, Tweedy.

²⁴ *Madison Express*, Oct. 27, 1846.

²⁵ *Con. Journal*, pp. 324, 355. For fragmentary reports of speeches, see *Madison Express*, for Oct. 27, and Nov. 3; *Wisconsin Argus*, for Oct. 27, 1846; *Wisconsin Democrat*, Saturday, October 24, 1846.

by the press, and the vote on the first Tuesday of April 1847, indicates that little public attention was drawn to it. On March 30, the *Madison Express* published a letter from a New York correspondent of the *Milwaukee Sentinel*, in which it was charged that the convention had combined the question of the right to hold office with the suffrage proposition, in order to insure its defeat. No other reference to the subject appeared in this paper during several weeks before and after the vote was taken. The constitution was defeated by 20,232 to 14,119 and the negro suffrage clause by 14,615 to 7,564.²⁶ The southwestern counties of the territory, where many southern people had settled, gave very large majorities against the proposition to let black men vote. The Germans along Lake Michigan, whether because an attempt had been made in the convention to couple the vote on foreign suffrage with that on negro suffrage, or because foreigners had a natural antipathy to colored men, voted the same way. Still, nearly half the votes on the question in Rock county, and a majority of the votes on this issue, in Racine, Walworth, Waukesha, Jefferson, Dodge, Fond du Lac, and Winnebago counties, were cast on the side of equal rights. These counties, which constituted a solid strip north and south across the eastern part of the area then settled, had been occupied largely by New Englanders, and the votes which they gave on this question furnish a slight intimation of how potent was to be the influence of New England in the anti-slavery movement and the struggle for negro rights and privileges.²⁷

The defeat of the first constitution led to the election of another convention, which met at Madison, December 15, 1847, for the purpose of drawing up another instrument more likely to meet the approval of the people. A large majority of the sixty-nine members were natives of New York and New England.²⁸ The vote of December 31, on the motion of Mr. Chase,

²⁶ Baker, F. E., *op. cit.*, p. 8; Gregory, J. G., *Negro Suffrage in Wisconsin*, *Trans. Wis. Acad. of Sciences, Arts and Letters*, vol. XI., p. 94.

²⁷ Baker, F. E., *op. cit.*, pp. 8, 9, 10; Geer, E. M., *The Louisiana Purchase*, Vol. VIII, of the *History of North America*, edited by G. C. Lee, pp. 306 to 309.

²⁸ New York 25, Connecticut 9, New Hampshire 3, Vermont 7, Massachusetts 6, Maine 1, Pennsylvania 2, New Jersey 1, Ohio 1, Northwest Territory 1, Maryland 1, Virginia 1, Kentucky 4, Ireland 5, Bavaria 1, Norway 1, *Journal of the Convention of 1847-48, with a Sketch of Debates*.

"a sterling old school Democrat,"²⁹ on striking out the word "white" was 45 to 22 against removing the discrimination. The twenty-two who favored negro suffrage comprised twenty New Yorkers and New Englanders, a Kentuckian and an Irishman.³⁰ On the following day Experience Estabrook of Walworth county moved to grant the elective franchise to everyone already in the territory, and to provide for legal regulations in the case of those who should come in the future.³¹ His proposition seems to have been ignored, but on January 3, 1848, he offered an amendment to the suffrage article, providing "that the legislature shall at any time have the power to admit colored persons to the right of suffrage on such terms and under such restrictions as may be determined by law," which was adopted by a vote of 35 to 34.³² After some discussion, it was reconsidered and was rejected by the same close vote. On the next day, however, it was adopted with the further provision that no such law should be valid unless ratified at a general election by "a majority of all the votes cast at such election."³³

The records of speeches in this convention help reveal the points of view from which the negro suffrage question was regarded. Those who opposed giving the Legislature any power to bring up the subject in the future declared that it had been settled at the spring election, that there was already too much feeling on negro questions, and that the proposed clause would become a source of perpetual agitation, discord and strife.³⁴ The other side argued that a considerable minority, "respectable in numbers and respectable in intelligence," favored negro suffrage and had a right to show their strength at the ballot box. Seven years before, said Mr. Estabrook, it would not have been possible to muster a corporal's guard who would have been willing to let colored men vote; but public opinion had made such rapid progress that, in the preceding spring election, several counties gave majorities for equal suffrage. If the time should come when a majority should favor abrogating the

²⁹ Gregory, *op. cit.*, p. 96.

³⁰ *Journal*, etc., p. 145.

³¹ *Ibid.*, p. 130.

³² *Ibid.*, p. 180.

³³ *Ibid.*, pp. 185, 192, 193.

³⁴ *Ibid.*, pp. 181, 193, Rountree, p. 184, Kilbourn, p. 192 Prentiss.

color distinction, they ought not to be bound hand and foot by constitutional prohibitions.³⁵ Mr. Jackson, who had voted to expunge the word "white", complained that some were accustomed to charge abolitionism against those who favored colored suffrage; but, he and others explained, there were many besides abolitionists who believed that giving blacks the elective franchise was right in principle.³⁶ Mr. Estabrook said that "fat, sleek-headed democraey" revolted at the bare mention of the word "negro"; but he expressed the opinion that large numbers of Democrats in Walworth county favored negro suffrage. He said also that the Whig convention of that county in the fall of 1846 had adopted a resolution instructing their delegate to work for universal suffrage, and that there was in the state "what was called a liberty party, and universal suffrage was their one idea."³⁷

The legislature of the new state was not slow to act according to its power with regard to the elective franchise. In March 1849, the Assembly by a vote of 35 to 32, and the Senate by a vote of 9 to 5, passed a law submitting the question of equal suffrage to the people. By a vote 35 to 22, the Assembly inserted in the proposed amendment the words: "And eligible to hold any office in the State." Perhaps some members were the more willing to accept this change because they thought it would insure the defeat of the whole proposition.³⁸ The sentiment in favor of negro suffrage was not confined to any party; there was undoubtedly a widespread feeling against the arrogance of the South, which naturally connected itself with the general agitation of negro questions.³⁹ A Whig paper charged that the Democrats were opposed to negro voting.⁴⁰ The Free Soilers certainly did not make this question their main issue, for they nominated for attorney-general, Marshall M. Strong, the apostate from the negro's cause in the convention of 1846.⁴¹

³⁵ *Ibid.*, pp. 130, 183, Estabrook, p. 181, Cole, Harvey, 192, Seagel.

³⁶ *Ibid.*, p. 184, Jackson, p. 193, Judd.

³⁷ *Ibid.*, pp. 183, 130.

³⁸ *Assembly Journal*, Mch. 8, 1849., pp. 387, 388; *Senate Journal*, Mch., 6, 1849, p. 440.

³⁹ J. T. Gregory, *op. cit.* p. 97.

⁴⁰ *The Southport American*, Aug 29, 1849.

⁴¹ *Ibid.*, Sept. 12.

There can be little doubt, however, that most of those who desired to let black men vote were in the ranks of the Free Soilers; but they were quarreling with the Old Time Democrats, they made no campaign on the issue, and aroused little popular interest. The total vote for governor was 31,727, but on negro suffrage the total vote was less than ten thousand. The measure was carried in favor of the negroes by 5,265 to 4,075,⁴² but it was assumed that nothing could be determined by so light a vote, and it was not until 1866 that the supreme court interpreted the words, "a majority of all the votes cast at such election", to mean a majority of the votes on the particular question of negro suffrage and decided that colored people had legally possessed the elective franchise for seventeen years.⁴³

ILLINOIS, 1847

Meanwhile this question had been raised in Illinois. Colored people had scarcely any rights in that state, and politicians assumed the disfranchisement of them as a matter of course. On June 13, 1836, Lincoln, in announcing his political views wrote: "I go for admitting all whites to the right of suffrage who pay taxes or bear arms ('by no means excluding females)'. But from the early forties, anti-slavery men had been so persistently advocating equality, citizenship, and education for negroes that they liberalized sentiment toward them in the northern part of the state and created there a demand for negro suffrage.⁴⁴ Petitions praying for the repeal of all laws making distinctions on account of color were sent to the legislature in 1847,⁴⁵ and inevitably the question came up in the constitutional convention which sat during the summer of that year. Petitions in considerable number for and against negro rights were sent to the convention and indicated that the matter had been before the public mind. A clause forbidding the legislature ever to grant the right of suffrage to colored people,

⁴² Smith, T. C., *The Liberty and Free Soil Parties in the Northwest*. p. 333. Gregory. *op. cit.*

⁴³ 20 Wis. p. 544.

⁴⁴ Harris, N. D., *Negro Servitude in Illinois*, pp. 228, 231.

⁴⁵ *House Journal*, Feb. 9, 15, 1847, pp. 338, 392; *Sen. Journal*, Jan. 9, pp. 22, 91, 148.

was laid on the table, 91 to 60, and an article prohibiting intermarriage with whites and declaring negroes forever ineligible to office was defeated, 65 to 64.⁴⁶ These propositions were probably laid aside as wholly impertinent. The votes certainly are not an indication of a desire to have negroes vote or hold office, for on June 22, when a motion was made to strike out the word "white," from a resolution instructing a committee to consider certain amendments of the suffrage clause, it was defeated, 137 to 8.⁴⁷ The eight who favored the motion came from northern counties of the state, Cross and Church from Winnebago, Sibley and Deitz from McHenry, Swan from Lake, Mason from Kendall, Judd from Kane, Whitney from Boone. A similar distribution of sentiment is shown by the popular vote on another negro question. By a vote of 87 to 56 the convention referred separately to the people a clause which directed the legislature to prohibit the immigration of colored men into the state. When this proposition was submitted, along with the constitution, in the spring of 1848, fourteen northern counties were carried against it, but it was, nevertheless, adopted by 49,063 to 20,884.⁴⁸

CALIFORNIA, 1849

The North, like the South, was averse to the presence of negroes in a state of freedom, and about this time the same feeling was manifested out on the Pacific coast. In the autumn of 1849 a convention, composed of members whose birth-places were scattered among sixteen states and five European countries,⁴⁹ met to frame a constitution for California. It was taken for granted that negroes should not be electors, and the only

⁴⁶ Smith, *op. cit.*, p. 334.

⁴⁷ *Ill. Con. Journal*, 1847, p. 76; also *Publications of the Ill. Hist. Library*, 1904, p. 426.

⁴⁸ Smith, *op. cit.*, p. 334.

⁴⁹ Classified according to birthplace: Maine 1, Vermont 1, Rhode Island 1, Massachusetts 2, Connecticut 1, New York 11, Pennsylvania 1, Maryland 5, New Jersey 1, Virginia 2, Kentucky 3, Tennessee 1, Missouri 1, Florida 1, Ohio 3, California 7, Scotland, Ireland, Spain, France, and Switzerland each 1,—48. According to previous residence: Connecticut 1, Massachusetts 2, New York 10, New Jersey 2, Pennsylvania 1, Maryland 3, Ohio 1, Indiana 1, Illinois 1, Wisconsin 1, Missouri 7, Virginia 2, Texas 1, Louisiana 4, Oregon 1, California 8, Scotland 1, France 1.—48. *Cal. Con. Report.*, 1849.

reference to the idea of negro suffrage was made by a member who, in arguing in favor of permitting Indians to vote, protested that they should not be classed with Africans.⁵⁰ On September 11, 1849, a motion was made to insert in the bill of rights, a section which would prohibit the immigration of free colored persons, and prevent slaveholders from bringing their negroes to the state for the purpose of setting them free.⁵¹ The precedent of Illinois was adduced in support of this provision. Several members presented evidence that, unless it should be adopted, slave owners would bring in their slaves, work them a short time in the gold mines and then set them loose upon the community.⁵² "When this constitution goes forth without a prohibitory clause relative to blacks, you will see a black tide setting in here and spreading over the land."⁵³ "The whole country will be filled with emancipated slaves," said Mr. Semple, "the worst species of population—prepared to do nothing but steal, or live upon our means as paupers."⁵⁴ It was agreed that free negroes were thriftless, ignorant, and vicious and that their presence would be as great an evil as slavery.⁵⁵ The introduction of negroes would degrade the white laborers. "The capitalists will fill the land with these living machines, with all their attendant evils," said Wozencraft. "Their labor will go to enrich the few, and impoverish the many: it will drive the poor and honest laborer from the field, by degrading him to the level of the negro."⁵⁶ "Do you suppose the white population of this country will permit these negroes to compete with them in working the mines?" asked McCarver. "Sir, you will see the most fearful collisions that have ever been presented in any country."⁵⁷ Mr. Tuft declared: "It would be a monopoly of the worst character. The profits of the mines would go into the pockets of single individ-

⁵⁰ *Ibid.*, p. 79, Gilbert.

⁵¹ *Ibid.*, p. 48, McCarver.

⁵² *Ibid.*, pp. 137, 138, 139, McCarver. Semple, Sept. 19, p. 332, Jones, p. 146, Stewart.

⁵³ *Ibid.*, p. 49, Wozencraft.

⁵⁴ *Ibid.*, p. 138.

⁵⁵ *Ibid.*, p. 50, *Wozencraft, p. 138, McCarver, p. 142, Hastings, p. 148, Semple.

⁵⁶ *Ibid.*, p. 49.

⁵⁷ *Ibid.*, p. 138.

nals. The labor of intelligent and enterprising white men, who, from want of capital, are compelled to do their own work, would afford no adequate remuneration. . . . What consistency would there be in declaring that all men are free, and then deny our own white citizens the privilege of laboring and subject them to the influence of monopolies which would not only degrade their labor, but amount in effect to a prohibition of the right to labor, for I contend, sir, that no man can or will labor unless he is remunerated by the result."⁵⁸ It was not the last time that race and labor questions came up together in California, and, to those who have even slightly considered the arguments of later years on Chinese immigration, some of the utterances on the other side of this negro question will have a remarkably familiar sound. If negroes are to be kept out, asked Gilbert, "why not also erect barriers against the miserable natives of the Sandwich Islands and the Pacific archipelagoes, against the miserable, the degraded wretches from Sydney and New South Wales, and against the refuse of population from Chili, Peru and Mexico?"⁵⁹ "I do contend," said Mr. Shannon, a native of Ireland, who had seen prosperous and intelligent blacks in New York, "that free men of color have just as good a right, and ought to have, to emigrate here as white men. I think, too, that the necessities of the territory require them; the necessities of every state in the Union require them. They are required in very department of domestic life; they form a body that have become almost necessary for our domestic purposes. . . . I do not want the people of California to be cut off from the services of any particular body of men. It matters not if they were baboons or any other class of creations."⁶⁰ It was argued that an exclusion clause would violate the constitutional guarantee of the privileges and immunities of citizens, and that Congress, which contained many members with Free Soil principles, would refuse to admit California into the Union. The legislature could later take care to prevent a deluge of undesirable population, but it was immediately necessary, aside from questions of sound or unsound

⁵⁸ *Ibid.*, p. 144.

⁵⁹ *Ibid.*, p. 150.

⁶⁰ *Ibid.*, pp. 139, 143.

policy, "to present to the people a constitution free and liberal in its principles."⁶¹ There were those, also, who opposed the prescription of free blacks not only as endangering the admission of the state, but as morally wrong and contrary to the rights of man and the principles of freedom.⁶² The fear that statehood might be delayed, prevailed, and the immigration law was defeated,⁶³ in spite of the defiant words of Semple who preferred "being kept out of the Union to all eternity" to acknowledging that Congress could overrule the right to exclude free negroes. "I would take my rifle," he said, "and defend that right as freely as I did the flag of the United States when we achieved the right to this territory."⁶⁴

The year 1850, in which California was admitted to the Union, brings us back to consider three constitutional conventions of the Northwest which met that year in the states of Michigan, Indiana, and Ohio.

MICHIGAN, 1850

Michigan had been settled mainly by people from New England and New York, who brought with them a familiarity with the negro suffrage question.⁶⁵ A member of the convention of 1850, speaking against striking out the word "white," said that he had voted down the same proposition in the Michigan convention of 1835.⁶⁶ During the whole decade of the forties, petitions for impartial suffrage provisions kept appearing in the Legislature. The number was greatest in 1846, and decreased in the last few years before 1850.⁶⁷ The year after the report of the committee to the Iowa constitutional convention

⁶¹ *Ibid.*, p. 146, Dunmick, p. 150, Gilbert, p. 330 Norton.

⁶² *Ibid.*, p. 149, Gilbert, p. 144, Shannon.

⁶³ *Ibid.*, p. 332, vote 39 to 8.

⁶⁴ *Ibid.*, p. 332; see Thorpe, *Constitutional History of the American People*, II, 297.

⁶⁵ Thorpe, *op. cit.*, II, p. 353; Smith, *op. cit.*, 327.

⁶⁶ *Michigan Convention Debates*, 1850., p. 758, McClelland.

⁶⁷ *House Journal*, 1840, p. 336; 1841, p. 170; 1842, pp. 63, 73, 106, 111, 160, 161, 213; 1843, pp. 95, 135, 165, 197, 259, 290; 1844, pp. 14, 32, 42, 51, 57, 66, 74, 89, 95, 101, 107, 114, 142, 293, 309; 1846, pp. 21, 26, 38, 43, 44, 58, 69, 73, 74, 78, 82, 93, 99, 113, 114, 123, 132, 145, 157, 337, 400; 1848 p. 200; 1849 and 1850 apparently none. *Senate Journal*, 1842, pp. 83, 89, 104, 145; 1843 none; 1844, pp. 10, 198; 1845 pp. 27, 42, 53, 133.

was made, an equally notable document on the other side of the question was produced in Michigan. On March 10, 1845, in the Michigan Senate, Mr. Denton from the committee on State Affairs, to whom had been referred sundry petitions for striking the word "white" from the constitution, offered a report on the subject of negro suffrage.⁶⁸ The natural rights of man, "the Siamese brotherhood of taxation and representation. . . the peculiar claims on democracy to carry out its principles," were leading considerations in favor of removing all color distinctions. Denton was a Democrat,⁶⁹ fully believed in Jacksonian principles and carried them to a logical conclusion. "No principle is more dear to pure democracy," he declared, "than the extension of suffrage." He would not agree that negroes were outside the body politic. "We are united as a nation, but by voluntary compact," he explained. "A compact based on man's natural rights binds us into a common people. While these rights and their consequent principles are *practically* respected, our compact will be performed and our union indissoluble." He denounced the "preposterous puerility of making *color* a qualification for suffrage," and denied that negroes were of inferior race or had weaker intellects than white men. "Neither history nor experience sustains the objection. On the contrary they conclusively refute it. Like other nations Africa had her season of glory. During it she was one of the most powerful nations of the world. Her victorious arms had nearly annihilated the Romans. Her black Hannibal will ever be found in the catalogue of the Caesars and Bonapartes." He showed by the experience of other states that negro suffrage would not encourage immigration of free blacks. He denied that the colored people would all adhere to the same party. "At present, but one political party advocates, as a party measure, colored suffrage," and it naturally has the sympathy of negroes; but once the right is granted they will divide among all parties. "Public opinion has materially changed on the subject since our constitution was formed. Each year gives evidence of a

⁶⁸ *Senate Journal*, 1845, p. 263.

⁶⁹ *Mich. Con. Debates*, 1850, p. 287.

growing interest in the topic and in others incident to it. The ballot box of last fall spoke the sentiment of nearly four thousand voters. Already the constitutional restriction has been swept away before the rising sentiment, and the colored man was permitted to vote in Detroit, on an election of unprecedented interest, neither party having the hardihood to offer a challenge on the ground of color." Restriction of negro voting by a property qualification would be as objectionable as total disfranchisement, for by it "integrity of principle would be surrendered."

Another member of the committee, Abner Pratt, replied in a minority report in which he complained that he had not been given notice that any action was to be taken, and that only a short time was left him to prepare an answer. The substance of his argument was, that the effect of negro suffrage would be to fill the state "with fugitive slaves from Missouri, Tennessee, Kentucky and Virginia," who in a few years might become so numerous that they could elect some of their number to office. The majority of the Senate were in sympathy with these views, and accordingly, by a vote of 9 to 6, the report and the joint resolution were referred back to the committee.⁷⁰ The six who voted in the minority were probably Democrats, for the Liberty men were not yet strong enough to elect so large a proportion of the Senate. It could have been no other than the Liberty party that was mentioned as advocating negro suffrage as a party issue, for the voting strength of nearly four thousand was just about the strength of that political organization in Michigan in 1844.⁷¹ Changing into the Free Soil party, its strength steadily increased, and in 1848 Michigan cast 10,389 votes for Van Buren.⁷²

When the constitutional convention met in 1850, the agitation for negro suffrage temporarily found a new channel. During the first weeks of the session there were sent to the convention many petitions signed with an aggregate of about

⁷⁰ *Documents* accompanying the *Senate Journal* of Michigan, at the annual session of 1845, No. 15; *Sen. Journal*, 185, p. 263.

⁷¹ Smith, *op. cit.*, p. 325.

⁷² *Ibid.*

three thousand names.⁷³ A member said that the petitioners on this subject numbered six times as many as the petitioners on all other subjects which had come before the convention.⁷⁴ On June 27th came the inevitable motion to strike out the word "white" from the article on elections.⁷⁵ Many arguments employed in other conventions appeared in Michigan at this time. The word "white" was indefinite; no one could tell to what shade of color it applied.⁷⁶ Many negroes were good citizens, peaceable, industrious and progressive, and their neighbors spoke well of them. Their apparent inferiority was due to slavery and prejudices of whites. The experiences of New England showed that granting them the elective franchise would not cause an influx from the South. Political equality would not bring about social equality. Suffrage extension would be in accord with the principles of democracy, with the ideal of no taxation without representation, and with the doctrine that "all power is inherent in the people."⁷⁷ Mr. Leach said a majority of his constituents must be in favor of removing the discrimination, for they well knew his views when they elected him.⁷⁸ Suffrage was a natural right, or, if there was a distinction between natural and conventional privileges, "all men certainly have the same natural right to enjoy those conventional rights, because the father of democracy tells us that 'all men are created equal.'"⁷⁹ Disfranchisement would be unrepugnant and unjust, "an act destitute of every vestige of honor, unless there is honor in the triumph of the strong over the weak."⁸⁰

The opponents of negro equality were quite sure that negroes were inferior and depraved, that they could not permanently dwell together with whites on a plane of equality, that negro suffrage would cause amalgamation and compel associa-

⁷³ *Michigan Convention Debates*, 1850., pp. 36, 68, 93, 102, 120, 175, 218, 240, 257, 286, 297. from June 8 to June 26.

⁷⁴ *Ibid.*, p. 284, Williams.

⁷⁵ *Ibid.*, p. 284, Orr.

⁷⁶ *Ibid.*, p. 284, Pierce.

⁷⁷ *Ibid.*, pp. 285, 286, 287, 288, 289. Leach, N. Pierce.

⁷⁸ *Ibid.*, p. 285.

⁷⁹ *Ibid.*, p. 290, Leach.

⁸⁰ *Ibid.*, p. 289.

tion of the races in churches and legislatures. Granting blacks the privileges of electors would attract hordes of them into Michigan, and they would crowd the whites out of the peninsula. The Declaration of Independence could refer only to white men, for both Jefferson and Washington held slaves. Negroes were more enlightened and happy in America than back in Africa where their lives were at the mercy of blood-thirsty chiefs, or than they would if separated from the whites, and sent away for twenty years to live by themselves. The obligations of justice had been more than satisfied, and the people of Michigan were not bound to be so imprudent as to divide their political authority with negroes, or to let them have a share in piloting the ship of state on which they had been suffered to become passengers. Attempts to secure equality between races that nature had so widely separated, could result only in misery. The true mode of relief would be colonization: "I believe the African has come here to be educated for a great purpose," said one member more in jest than earnest. "When he shall be raised to a certain state, in comparison with our own, he will go back to Liberia * * * to Africa * * * to find the sources of the Nile, which have never been found by those barbarous tribes."⁸¹

The motion to strike out "white" was lost, and then the proposition to submit the question to the people was considered.⁸² It was objected that a negro suffrage clause had no chance of being ratified and a submission of it would only create popular excitement about a dangerous question.⁸³ In reply, it was said that many people wished to vote on this issue, that it had been agitated in the Legislature for several years, and that a referendum would quiet this agitation.⁸⁴ An attempt to have negroes included in the basis of representation had failed,⁸⁵ another motion to strike out the word "white" was defeated by 46 to 13,⁸⁶ but the resolution which referred the question of

⁸¹ *Ibid.*, pp. 287, 290, 291, Bagg, pp. 289, 296. Pierce.

⁸² *Ibid.*, pp. 296, 297.

⁸³ *Ibid.*, pp. 297, 483. Bagg.

⁸⁴ *Ibid.*, p. 297. Bush. Kingsley.

⁸⁵ *Ibid.*, p. 295. Britian.

⁸⁶ *Ibid.*, p. 758.

colored suffrage to the people was passed by a vote of 54 to 12.⁸⁷

The convention which took this action was overwhelmingly Democratic, with a few Whig and Free Soil members.⁸⁸ The nativity of the members was probably fairly representative of the origin of Michigan's population. There was only one native of Michigan, while four-fifths of the delegates were born in New York or the New England states.⁸⁹ Nearly, all, therefore, who voted either way on the suffrage question were natives of those states, and it is a matter of surprise that the proportionate number of delegates in favor of permitting blacks to vote was not only smaller than in New York in 1846, but smaller than in Wisconsin in 1847.⁹⁰ Perhaps this was due to the predominance in the convention of Democrats, among whom the most rabid anti-negro men were found, for the friends of the African made a better showing at the fall election, when the constitution was adopted by 36, 169 to 9,433 and the negro suffrage clause rejected by 32,026 to 12,840.⁹¹

INDIANA, 1850

The sentiment in Indiana was much less favorable to the negro than in Michigan. The suffrage had been agitated along with other negro questions during the preceding decade, although it had not been very prominent in the two or three years preceding the convention.⁹² In the canvas before the election of delegates to that body, however, negro suffrage was an important issue, and was discussed in all parts of the state.⁹³ Members of the convention associated the agitation for extension of the elective franchise to colored people, with the Free Soil party: to them, a Free Soiler was presumptively

⁸⁷ *Ibid.*, p. 746.

⁸⁸ *Ibid.*, p. 487, Bagg.

⁸⁹ Maine 2, Vermont 8, New Hampshire 4, Massachusetts 13, Connecticut 10, New York 43, Pennsylvania 3, New Jersey 2, North Carolina 1, Virginia 1, Michigan 1, Upper Canada 3, Lower Canada 4, New Brunswick 1, Ireland 2, Scotland 1.

⁹⁰ *Ante.*, pp. 77, 86.

⁹¹ *Whig Almanac*, 1851., p. 59.

⁹² *Debates in the Indiana Convention*, 1850. p. 252, Kilgrave.

⁹³ *Ibid.*, p. 230, Colfax, p. 233, Foster, p. 235, Robinson, Blvthe.

in favor of letting black men vote, although it was pointed out that the same opinions on this question were held by many, perhaps several thousand, members of other political organizations.⁹⁴ Estimates of the number who sided with the African on this question, varied from five thousand to ten thousand.⁹⁵ This was a small number in the comparatively populous commonwealth of Indiana, and it is not surprising that there was elected to the convention only one delegate who voted for negro suffrage.

There were more, however, who were willing to have the people decide the issue for themselves. On October 23, 1850, Mr. Hawkins presented a resolution to the effect that a majority of the legal voters might, at a general election, provide for universal suffrage. The present constitution, he said, was undoubtedly a compact or agreement or contract among the white men over twenty-one years old in the state; but they ought to be able, if they ever desired, to admit others into the compact.⁹⁶ No definite action seems to have taken on this proposition, but, on the 26th, Schuyler Colfax, later Speaker of the House of Representatives in Reconstruction times and Vice-President with Grant, presented another, which differed from that of Mr. Hawkins in providing for just one vote on the negro suffrage question to be taken separately when the constitution should be submitted to the people.⁹⁷

The speakers in favor of this provision nearly all carefully declared that they were themselves opposed to negro suffrage, although one of them intimated that he might be induced to vote for extending the elective franchise to negroes under property and educational qualifications,⁹⁸ but they argued that permitting the people to vote directly on the issue would quiet agitation, and would conciliate the Free Soilers who might otherwise oppose the new constitution itself.⁹⁹ The members of the third party had a right to be heard, for they were people of worth and character. They were eminently moral and intel-

⁹⁴ *Ibid.*, p. 229, 242, Colfax, 234, Kilgore.

⁹⁵ *Ibid.*, p. 229, Colfax, p. 251, Edmonston.

⁹⁶ *Ibid.*, p. 172.

⁹⁷ *Ibid.*, p. 229.

⁹⁸ *Ibid.*, p. 253, Kilgore.

⁹⁹ *Ibid.*, p. 230, Colfax, p. 231, Owen, p. 234 Robinson, p. 250, Crumbacker.

ligent people, Mr. Robinson declared. "They compose a large portion of the pioneers of this country. They were here improving the soil, perhaps, before some gentlemen, who have taken it upon themselves here to denounce them, were located upon it." "The free-soil party", said Colfax, "number in their ranks as high minded and honorable men as any upon this floor. "From my own knowledge of a great many persons belonging to that party, I can testify for them to their respectability and sterling worth."¹⁰⁰ But the majority were not so willing to dally with the idea of negro suffrage, and some opposed it with fierce disgust. Mr. Dobson declared that he wanted "to settle it right," and moved an amendment providing that unless they were in a majority, "all persons voting for negro suffrage shall themselves be disfranchised." "Whenever you begin to talk about making negroes equal with white men I begin to think about leaving the country."¹⁰¹ Submitting this question to the people would be throwing a firebrand that would keep up the unpleasant "sectional feeling growing out of the slavery question."¹⁰² The state would be "flooded with those lecturers, who would not hesitate to dissolve the Union in order to carry out their principles."¹⁰³ Mr. Edmonston said: "This threat (that Free Soilers will vote against the constitution) has no terrors for me, so long as the alternative is that I shall agree to submit to the people the question of placing a black negro upon an equality with a white man." On the expediency and justice of negro suffrage itself, the usual arguments were advanced: that Africans were ignorant and of an inferior race, that they were better off in America than in their original home, that race differences made political association impossible. "The black race has been marked and condemned to servility; and should feeble man claim to erase from them the leprosy which God has placed upon them?"¹⁰⁴ As in previous conventions, the question of immigration came up with that of suffrage. The majority agreed that free blacks were an undesirable element

¹⁰⁰ *Ibid.*, p. 234, Robinson, p. 242, Colfax, p. 250, Crumbacker.

¹⁰¹ *Ibid.*, pp. 232, 233.

¹⁰² *Ibid.*, p. 235, Robinson, p. 237, Pepper, p. 240, Maguire, p. 249, Graham.

¹⁰³ *Ibid.*, p. 232, Edmonston.

¹⁰⁴ *Ibid.*, p. 231, Owen, p. 233, Dobson, p. 237, Hawkins, p. 251 Edmonston.

of population and ought to be kept out. The recent measure of Kentucky, to exclude and expel from the state all negroes who were not slaves, were regarded as necessitating drastic action by Indiana to avoid being overrun by multitudes of colored profligates and paupers, and "old, unserviceable, and superannuated negroes" who, in the slave states, "are set free, that their masters may not have to support them."⁵ Unless the whites would amalgamate with the blacks, or give up the state to them, they must keep them out and try to be rid of those already in the commonwealth. "They should all be sent to Liberia or some other part of Africa," said one member. "I believe they have intelligence enough to build up a successful community on the shores of their native Continent, and to govern themselves . . . They can introduce civilization and perhaps do for Africa what the Anglo-Saxon had done for America. . . . They will take with them the Bible, and a knowledge of our institutions—they will ultimately occupy all that country and become a prosperous and happy people."⁶

The men of anti-slavery sympathies, although not in favor of letting negroes vote, opposed so harsh a measure as excluding them from the state. Mr. Hawkins denounced a proposition "to prohibit the immigration of any portion of God's rational human beings, born on American soil, and under the protection of the stars and stripes, as a greater outrage upon all the principles of our boasted institutions than any other yet presented."⁷ Mr. Kilgore, who thought favorably of restricted negro suffrage,⁸ denied that negroes were inferior by nature. "Give them the proper training and they will exhibit as much talent as any class of beings upon God's footstool."⁹ Only one member came out defiantly on the side of the black race. A resolution instructing the committee on elective franchise to report a provision that negroes and mulattoes should be voters at all elections was offered, in order to make a more decisive issue, by a member who said he himself would vote in the nega-

⁵ *Ibid.*, p. 234, Robinson, p. 328, Dobson, p. 247, Read of Clark, p. 249, Graham.

⁶ *Ibid.*, p. 239, Dobson, pp. 247, Read of Clark, pp. 248, 249, Stevenson.

⁷ *Ibid.*, p. 237.

⁸ *Ibid.*, p. 99.

⁹ *Debates in the Indiana Constitution*, 1850, p. 252.

tive.¹⁰ It was thought that no one would speak in favor of such a resolution,¹¹ but Mr. May rose and declared that it was the duty of the Convention: "To give to the negro this right of suffrage under such restrictions as may, after a careful view of the subject, seem most wise and for the best," such, for example, as were imposed on foreigners. "Either the negro is a man constituted like ourselves by nature, or else he is only an animal—a mere brute. If the negro be but the mere brute—let us treat him as one in all respects. Let us also efface the divine stamp of immortality and the evidences of manhood from his features, and brand the word 'chattel' upon his brow. But if we decide that the negro is a man—that he has the attributes of humanity—then let us for our sake, if not for his, for consistency's sake, ever recognize him as a man and treat him as a man. I shall never shrink from uttering my conviction that there is much truth in the principles of the Free Soil-party. I regret to see that there exists here, every disposition to crush every expression of sympathy for the negro race, and I have sometimes fancied I saw a disposition in this hall to crush to the ground every man who ventured to give utterance to such sympathy."¹²

Mr. May, who represented DeKalb and Steuben counties in the north-eastern corner of the state, was the only one who voted for the proposed instructions to the committee; the vote stood 122 to 1. The proposition of Colfax to submit the question to the people, was defeated by 62 to 60.¹³ The provision for excluding negroes from the state which was to be referred to the people was carried by a vote of 93 to 40 and ratified at the polls by the voters of the state, although 20,956 ballots were cast against it.¹⁴ Not content with leaving the color discrimination as it stood in the constitution of 1816, which limited the suffrage to "white male citizens" with the proviso that the article should not be construed to disfranchise "citizens of the United States, who were actual residents at the time of

¹⁰ *Ibid.*, p. 239, Berry.

¹¹ *Ibid.*, p. 238.

¹² *Ibid.*, pp 245, 246.

¹³ *Ibid.*, p. 253.

¹⁴ *Ibid.*, 1816-17, p. 2077; Smith, *op. cit.* p. 337.

adopting this constitution, and who, by the existing laws of this Territory, are entitled to vote," the convention left out this obsolete clause and inserted a new section: "No negro or mulatto shall have the right of suffrage."¹⁵

OHIO, 1850

The Ohio convention of 1850-1851 took up the negro question on December 4, 1850, when Mr. Woodbury moved to expunge the word "white" from the suffrage article. Several members spoke vigorously in favor of this motion; the principal speeches were made on February 8, 1851. It would be in accord with the principles that all men are created equal and that just governments can be founded only on consent, and would cause negroes to become better and more contented citizens.¹⁶ Mr. Townshend referred to the blacks as "a portion of the people of this State who have the same right to stand upon this part of God's earth, and to breathe this free air that you or I have." He denied that this was the white man's country or that it was just to exclude black men from it; negroes had lived here as many generations as Caucasians, and had fought for the nation's liberty and had received the praises of General Jackson for their valor at New Orleans. "No government, here or elsewhere, has a right to say who shall or who shall not live in any part of the wide world." If the two races cannot live together in peace, why is it so? "I, too, will appeal to history and defy anyone to point out an instance where these conflicts have not grown out of the attempt on the part of one race to oppress the others." He was a Democrat and believed democracy was in accord with the golden rule of Christ. "I see no reason why democracy is not like Christianity, comprehensive enough to embrace the whole family of men."

The other side had the votes and did not need to make speeches; but one of their number urged that negro suffrage "would necessarily inflame the antipathies now existing between the two races. We may say that these antipathies are

¹⁵ Poore, I., pp. 497, 514.

¹⁶ *Ohio Convention Reports*, 1850-51., I., p. 679, Woodbury; II., p. 1178 Townsend; p. 1179, Hitchcock, p. 1181, Woodbury.

wrong, unchristian; but foul words will not do away with facts." Another, utterly denied that blacks had the same rights as white men in this country. "At the same time I adhere to the motto of 'equal rights to all, exclusive privileges to none,' I am willing that the colored race should be colonized."¹⁷ The anti-slavery men admitted that public sentiment would prevent many members from voting for equal suffrage against the will of their constituents, and reproachfully compared the close vote in the convention of 1802 with the present overwhelming majority against the negro.¹⁸ The motion to strike out "white" was defeated, 66 to 12. Although there were thirty natives of Ohio in the convention, only one of them voted for negro suffrage. One of the twelve was a native of Pennsylvania, one of England, three of New York and six of New England. All of them were representatives of North-eastern counties in the region of the Western Reserve, then the principal Free Soil area of the state.¹⁹

The colored people themselves, encouraged by the anti-slavery agitation, soon took up the question and began to press their demands for equal suffrage. In 1854, a state convention of negroes appointed one of their number, a mulatto named J. Mercer Langston, to draw up a memorial for equal suffrage to the legislature. The memorial, which was presented to the general assembly on April 19, 1854, set forth that negroes were men and as men had rights, and that "it is unjust, anti-democratic, impolitic, and ungenerous to withhold from us the right of suffrage." It was adopted in the Senate as part of the report of the committee, which submitted a bill in accordance with the request. Most notable of all, it was accompanied by a letter from William H. Seward, dated May 16, 1850, in which he expressed his opinion that no citizens of New York voted more conscientiously than the free negroes and his hope that the elective franchise would soon be extended "to this race,

¹⁷ *Ibid.*, II., p. 1180. Sawyer. Nash.

¹⁸ *Ibid.*, II., pp. 1180, 1181, Humphreville, Woodbury.

¹⁹ *Ibid.*, II., p. 1182. The nativity of the convention was: Connecticut 10, New Hampshire 2, Massachusetts 5, Vermont 3, New York 9, New Jersey 1, Pennsylvania 25, Ohio 30, Delaware 1, Washington D. C. 1, Georgia 1, Kentucky 3, Virginia 8, Maryland 4, Tennessee 1, Ireland 1, England 2, Germany 1. *Ibid.*, I., XXVI-XXVII.

who of all others need it most." The writer of the memorial, Mr. Langston, stated that he had been elected clerk of a township in which he was the only colored resident, that the like had never been known in Ohio before, and that his election proved "the steady march of anti-slavery sentiment."²⁰

NEGRO SUFFRAGE IN RELATION TO PARTY AND RACE

The intimate connection between the Liberty and Free Soil parties and the sentiment for negro suffrage is certain; the enemies of negro equality always charged or assumed that Liberty men and Free Soilers and Abolitionists were in favor of it; the votes for Free Soil candidates and for negro suffrage were numerous in the same areas and were approximately equal in number. For example, the Free Soil vote of Wisconsin in 1848 was 10,418, while a year and a half before the vote for negro suffrage had been 7,664; the Free Soil vote of Michigan in 1848 was 10,389 while the vote for negro suffrage in 1850 was 12,046; the vote for negro suffrage in Connecticut in 1846 was 5,616; for Van Buren in 1848, it was 5,005. The same New York Counties which gave majorities for equal suffrage in 1846, gave large votes for Van Buren in 1848. The northern counties of Illinois and the northeastern counties of Ohio, from which delegates favorable to abrogation of color distinctions, and the eastern counties of Wisconsin where the vote for negro suffrage was heaviest, were all regions of Free Soil strength; while in Michigan, both the vote for colored suffrage, and the Free Soil vote, were evenly distributed throughout the state.²¹ In the various state convention there were many natives of New York and New England who voted against giving Africans the elective franchise, but there were almost no natives of any other regions who voted for it. Up to 1850, at least, the votes for negro suffrage and for Free Soil candidates are accountable as due mainly to the presence of New England or New York elements in the population, or to the work of New England Abolitionists and anti-slavery agitators, al-

²⁰ Nell, *Colored Patriots*, etc., pp. 336-341.

²¹ Smith, *op. cit.*, pp. 337, 325, 326; *Whig Almanac*, 1849, pp. 54, 64; *Ante*, p. 77.

though in Indiana and Iowa the Quakers added their strength on the same side. Since these forces were stronger in the northern than in the southern parts of the old Northwest, it is natural to find that there were proportionately more Free Soilers and champions of negro equality in Wisconsin, Michigan and Northern Ohio than in Illinois, Indiana and southern Ohio. Still more significant of the difference between the two parts of the Northwest area is the character of the opposition to negro suffrage, which was far more aggressive, determined and scornful in the south than in the north of this region. In the three southern states the question was not even submitted to the people, while in Michigan and Wisconsin it was. It is notable that frequently the men who would not vote for negro rights themselves, but favored submission of the matter to popular arbitrament, seemed eager to testify to the intelligence and eminent respectability of Free Soilers and others who were on the side of permitting colored men to vote.²² Such men were not beyond all persuasion; it seems fully warrantable to say that in the northern part as compared with the southern part of the Northwest, there were many more people who were approaching or were at the point of conversion to negro suffrage. The course of events from 1850 to 1857, the next important year in the history of negro suffrage, was favorable to such conversion; for during that time anti-slavery feeling grew apace, and the Kansas-Nebraska struggle, the Dred Scot case and the successful launching of the Republican party were among the intervening occurrences.

²² *Ante.*, pp. 80, 87, 100.

CHAPTER V

THE REPUBLICAN PARTY AND NEGRO SUFFRAGE,
1857 to 1860

IOWA, 1857

In the state of Iowa these things had brought great change, and there was a great difference between the situation in 1844 and 1846, and that in 1857 when the third constitutional convention assembled at Des Moines. The Kansas-Nebraska controversy brought about the defeat of the Democratic party in 1854, after it had ruled the state from its beginning.¹ One-third of that triumphant phalanx had deserted and, together with the Free Soilers and Whigs, had formed the Republican party.² In the election of delegates to the convention of 1857, the negro suffrage was agitated in some communities,³ and it was known that many people were in favor of equal political rights to white men and blacks. The suffrage issue did not come to a direct vote in the convention, although several petitions against disfranchisement on account of color were received;⁴ but on January 26, there was introduced a resolution that the committee on suffrage be instructed to inquire into the expediency of submitting the question to the vote of the people, and on February 23, a select committee reported a recommendation that the people be permitted to vote directly on the question of expunging "white" from the constitution.⁵ A minority report was presented, to the effect that the state of public sentiment was not a matter of doubt, and that the only result of throwing this question into politics, would be "to

¹ *Iowa Constitutional Debates*, 1157, II., p. 677. Clarke of Henry.

² *Ibid.*, II., p. 672. Marvin.

³ *Ibid.*, II., p. 672. Ells; p. 680, Gower.

⁴ *Ibid.*, pp. 115, 216.

⁵ *Ibid.*, I., p. 45, II., p. 649.

furnish material and food for morbid and forbidding sentiment.⁶ The minority further presented, as containing their views, the report on negro suffrage made to the convention of 1844.⁷ The views of this document were derided by the Republicans. How could the degraded African, as he was called, ever control the lofty Saxon? How can a race said to be so ignorant, control the ballot-box and absorb the powers of government? The argument of the report implies that, "our sisters and our daughters will refuse the alliance of this boasted, this superior Anglo-Saxon race, and seek husbands among this black race; and our brothers and our sons will turn their backs upon the daughters of the daughters of the Anglo-Saxon, and go to the dusky-browed daughters of the descendants of Ham for their conjugal consorts."⁸ What danger is there that negroes will be elected to office? "The negro man who could get elected to any office—must needs be a very Christ in ebony. Do the people need anything to prevent such a casualty, except their own prejudices and their destestation of the black race?"⁹ The idea that the privilege of voting would attract free negroes into the state was regarded as preposterous. The climate and other conditions would keep them out of Iowa as out of New England.¹⁰

These practical admissions of prejudice were confirmed by direct statements, but prejudice was not to be weighed against principle. "I acknowledge with something akin to shame," said Clarke of Henry, "a great repugnance against that injured and degraded race, the African. But — in spite of that feeling which leads me to cry out at times, 'would to God I had the power to transport every one of African descent back to the continent from which the race originated.'—I throw aside my own feelings and prejudices, and say, let us unite together and do right, whatever the consequences—'let justice prevail though the heavens fall.' Now when gentlemen come to me and are so *unkind and ungenerous as to say that I am doing this*

⁶ *Ibid.*, II., p. 650.

⁷ *Ibid.*, II., pp. 650-651; *Ante*, pp. 102-104.

⁸ *Ibid.*, II., p. 663, Clarke of Alamahee.

⁹ *Ibid.*, II., p. 677, Clarke of Henry.

¹⁰ *Ibid.*, II., pp. 667, 669, 678, Clarke of Henry, p. 674, Ellis.

for 'the love of the negro,' I tell them that what I do here in this matter I do from a conscientious love of the principles in which I have been nurtured, and under which I have lived all the days of my life." He had lived in New York and had seen colored men vote sometimes for the third party but usually for the Whigs, and when counted out, their ballots "looked and counted just the same as those of white folks, and I presume the gentleman from Des Moines could not even have smelled the difference."¹¹ Mr. Ells said that a strong prejudice against color existed everywhere in the North, stronger than in the South where, he thought, the feeling of repugnance was not against the black man's race so much as against his state of slavery. There were only three hundred negroes in Iowa, and the question of suffrage was therefore not a practical one, "and I am satisfied that were it not for carrying out a consistent rule of right action, that no considerable portion of the people would give any attention to the subject. Let us do right and leave the consequences to God and our country."¹² Mr. Marvin stated: "I hold the acknowledgement of the equal rights of all men to be a sacred principle—I know there are thousands of persons that think so much of the maintenance of this principle, that unless it were presented to them in some shape, they could not be induced to vote for the constitution."¹³ Ells said that some of his own constituents held similar views, especially the Scotch Covenanters and Presbyterians, although a majority were opposed to negro suffrage. Out of respect to this majority he did not urge the expunging of "white" in the convention, but merely wished to let the people decide. As for himself: "I am perfectly willing that the right of suffrage should be as broad as the universe of God. I have no fear in trusting any class of men with the right to vote, provided they have the qualifications of manhood."¹⁴ Clarke of Henry, also, had constituents who, like himself, would not vote for the new constitution unless they could have an opportunity of voting to wipe

¹¹ *Ibid.*, II., p. 670.

¹² *Ibid.*, I., pp. 674, 675.

¹³ *Ibid.*, II., p. 672.

¹⁴ *Ibid.*, II., p. 673.

out the color discrimination.¹⁵ To conciliate those who would maintain principle against prejudice, "though the heavens fall," the question of negro suffrage, it was urged, should be submitted to popular vote.

The referendum was supported, according to Ells, by every Republican except Clarke, of Johnson.¹⁶ The latter's reply reveals the other principles of the party at that time. The Republicans, as a party, did not stand for negro suffrage. They were opposed to extension of slavery. They were opposed to all such laws against negroes, as those which prohibited their giving testimony in courts or prevent them from settling in the state. As for the referendum, Clarke declared that he would not submit to the people a proposition which he himself would not support: "No man believes that it can command a respectable vote in the State. And yet we are wasting time in discussing this subject, and creating odium against ourselves, against the constitution, and against the Republican party, upon a question upon which the party has never taken ground, and in favor of which they are not committed."¹⁷

This speech opened up a long discussion of party history and party doctrine which showed how closely men associated the negro suffrage question with the sectional strife about slavery.¹⁸ What they considered the aggressions of the South, had stirred up their feelings against the wrong of involuntary servitude. They did not intend to take away the master's property, but they would do their best to make it worthless to him by forbidding him to carry it into new territory.¹⁹ They had no right to interfere with slavery where it existed, but they would do it as much indirect injury as the letter of the constitution would permit. "We have no right to interfere with it. But we can raise our voice against it on every occasion. We can refuse, here in the free state of Iowa, to bolster it up by becoming its apologists. And so far as we have the power and the

¹⁵ *Ibid.*, II., 669.

¹⁶ *Ibid.*, I., p. 675.

¹⁷ *Ibid.*, II., pp. 675, 676, also p. 680, Peters.

¹⁸ *Ibid.*, II., pp. 681-911.

¹⁹ *Ibid.*, II., pp. 700, 701, Pauvin.

constitutional and legal right, so far should we go against it."²⁰ They did not go so far to say that the constitution was a "league with hell and a covenant with death"; but they were sure that any thing like cheerful fulfilment of certain constitutional obligations, such as the return of fugitive slaves, was morally wrong. What we now know to have been the consequence of this attitude was pointed out by a Democrat, Mr. Hall, who mourned the good old days when the Whig and Democratic parties were national in extent, dividing between them every county, township or neighborhood, North or South, and contrasted the old order with the existing sectional division caused by the clash of interests and the clash of moral convictions. "If this nation is to be brought into conflict, if this universal sentiment which pervades the north, is to be brought into collision with the universal sentiment which exists in the south, then a fig for this union!"²¹ It was charged, especially by these Republicans who were apostates from Democracy that, at the dictation of the South, the Democratic party had changed its position on the slavery question, and that the South no longer defended slavery as a curse inflicted upon Ham and his descendants but as "right in itself" and upon the ground "that the laboring classes properly belong to the capitalists."²² In view of these considerations, Mr. Bunker declared that he had changed his mind about the color discrimination and was now in favor of removing it: "I really think that we would suffer more by continuing this word 'white' in the constitution, and we would be in far greater danger of sapping the principles of civil liberty, than we would by allowing the few negroes who may be in the state the privilege of voting at our elections."²³ No doubt the same mental process was reversing the convictions of others. It was pointed out that the opinions of men were making rapid progress, and suggested that the Republicans as a reform party might yet bring the people to a

²⁰ *Ibid.*, II., p. 682, Edwards.

²¹ *Ibid.*, II., pp. 687, 688, 690.

²² *Ibid.*, II., p. 709, Clarke of Alameda, pp. 889-901, Clarke of Johnson, p. 907, Ellis, p. 911, Bunker.

²³ *Ibid.*, II., p. 911.

most advanced position.²⁴ In the light of events of the subsequent decade, the words of Mr. Ells were prophetic: "The Republican party of this country, sir, is emphatically a progressive party; and any man or set of men who attempt to prescribe limits to its political action for all coming time, must set their bounds far into the misty future, or they will find themselves overwhelmed with the 'ground swell,' now setting inland from the mighty ocean of moral truth. That which satisfies the people today will become obsolete and be cast off tomorrow. The wonderful developments made in the moral and political, as well as the natural sciences, within the last twenty years, admonishes us to be careful how we cripple ourselves by the adoption of any short sighted policy of political action."²⁵

The Democrats made an attempt to substitute for the referendum provision an article: "No negroes or mulattoes shall come into the State after the adoption of this constitution," but were defeated by a vote of 25 to 8.²⁶ Then by 20 to 13 the convention adopted the resolution which referred to the people the question of striking "white", from the article on suffrage.²⁷ The nativity of this convention differed but slightly from that of the similar bodies of 1844 and 1846, although there was a somewhat smaller proportion of southern born members than in the convention of 1846;²⁸ but the relative strength of parties had been just about reversed. This is not the only evidence of how opinions and sentiments had changed; in 1848 and 1852, the Free Soil vote of Iowa had been less than one-twentieth of the total vote cast at the presidential elections of those years; in August, 1857, the negro suffrage article was supported by probably one-fifth of a total vote that was four times as large as the total vote of 1852.²⁹ But Iowa was still far from her advanced position of Reconstruction times.

²⁴ *Ibid.*, II., p. 676, Clarke of Johnson.

²⁵ *Ibid.*, II., p. 675.

²⁶ *Ibid.*, II., p. 913.

²⁷ *Ibid.*, II., pp. 916, 1095.

²⁸ Maine 2, Massachusetts 1, Connecticut 3, New York 7, Pennsylvania 3, New Jersey 1, Ohio 7, Indiana 2, Maryland 1, Virginia 4, Tennessee 1, Kentucky 4, *Ibid.*, I., p. 4, *Ante.*, pp. 77, 82.

²⁹ *Whig Almanac*, 1849, p. 64; for 1853, p. 62; for 1858, p. 62; James, *Johns Hopkins's Historical Studies* vol. XVII., p. 297 Madison, (Wis.) *Argus and Democrat*, September 18, 1857. James says the colored suffrage article was

MINNESOTA, 1857

The events connected with the framing of the first constitution of Minnesota show clearly the attitude of the two chief political parties in that state. The election of delegates to form a constitution was very close. The Democrats thought at first that they had swept the territory but later the returns showed that the Republicans had elected many of their candidates. Apparently some of the seats in the convention were in dispute, for when the delegates assembled at St. Paul, the fifty-nine Republicans, in order to control the convention, stayed up all night and appropriated the hall in which the convention was to meet, as soon as the doors were opened in the morning. The fifty-two Democrats had proposed to the Republicans to organize the convention at noon, and when they found their opponents in possession, they met in a separate convention and drew up another constitution. The difficulty was finally settled by a committee of conference which reported for ratification by the two bodies a constitution substantially the same as the one drawn up in the Democratic convention.³⁰

The report of the Democratic convention's suffrage committee was read August 12, 1857. It confined the elective franchise to white citizens and civilized Indians. A motion was made to strike out the word "white" before "citizens" on the ground that the Supreme Court of the United States in the Dred Scott case, had held that negroes were not citizens, and that therefore the word "white" was useless; but other members doubted whether the question of negro citizenship had been settled definitely enough to make it safe to leave out the color discrimination. The only other reference to negroes seems to have been

defeated by 40,000. The total vote for and against the constitution was 79,273. On the basis of the latter figures, the *Argus and Democrat* estimated that the vote on striking out "white" probably stood 60,000 to 20,000. It is not, however, probable that this article called out so large a vote as the constitution. In the convention a member estimated the probable vote for negro suffrage as low as four or five thousand. *Debates*, II., p. 911. Bunker.

³⁰ *Minnesota Convention Debates*, 1857, pp. 372, 373, Hayden; *Minnesota Constitutional Debates*, 1857., pp. 676 and 1, *Reporter's Preface*. The former is the record of the proceedings of the Republican convention; the latter that of the Democrat convention.

made when the militia article was under discussion. One speaker said that undoubtedly everyone present was willing to admit persons of mixed white and Indian blood to the militia, but he would exclude blacks and mulattoes, by providing that the state militia should be composed only of qualified voters.³¹

In the Republican convention, also, the suffrage article as reported on August 6, contained the word "white". The arguments in favor of the motion to expunge the obnoxious discrimination were along familiar lines. "All governments among men derive their just powers from the consent of the governed," said Mr. Messer, a native of New Hampshire, "I am not disposed to discuss here whether colored persons are men or not. I believe it is conceded in this body, that an immortal spirit, a human soul, may exist under a black, an olive, or a white skin." "The great object of a constitution should be to protect the weak," said Mr. Hudson, a New Yorker, "the great principle involved in the amendment is, equal rights to all men. The opposite is Aristocracy and Monarchy." Mr. North, who also was born in New York, explained that before the Revolution, it had been customary to insist on the rights of Englishmen: "But when the philosophers of the Revolution were called upon to base themselves upon principles which would justify their action, they made a platform as broad as the whole human family." A color discrimination would be "an absolute wrong, which we have no right to inflict upon any class of our fellow-men. There is a standard of right eternally fixed, by which all law and law makers are to be tested."³² Astonishment was expressed that men of foreign birth, who had just acquired the right to vote, should sign a report which kept that right from the black man.³³ Colored men, at least the mulattoes, who had in their veins of the best Virginian blood, were certainly as good as the half-breed Indian children of gamblers and whisky sellers, whom it was proposed to enfranchise.³⁴ The prejudice against Africans was not uniform. "This truth is illustrated

³¹ *Minnesota Constitutional Debates*, pp. 442, 427, 428, 154.

³² *Minnesota Convention Debates*, p. 337, Messer, pp. 342, 343, Hudson, p. 350, North.

³³ *Ibid.*, p. 339, Mantor.

³⁴ *Ibid.*, p. 360, North. p. 341, Foster.

by the manner in which children of both races play together in the earlier years of infancy. This prejudice is not developed until they are taught that there is a social inequality." The convention should take the initiative and lead public opinion on the question of giving negroes their just rights.³⁵ It was urged that colored men had fought in the battles for independence, and in the war of 1812, and that before and after the victory of New Orleans, General Jackson had praised the courage of the negro: "His blood equally with that of the white man enriches the soil of our common country."³⁶ On the men who advanced these arguments, Mr. Galbraith, a native of Pennsylvania, made this comment: "They—declare that a man's highest state of happiness is in his right to vote. They seem to assume that the chief end of man is voting. They argue, and put their whole stress upon it, that the negro should vote at all hazards." He continued to the effect that negroes could not be assimilated: "Gentlemen may cry out in their affection for the poor degraded African what they please, yet he remains among us without friends. The seal of degradation is upon the poor downtrodden African, and years and ages must pass before the seal can be removed."³⁷

The motion to strike out "white" was defeated by a vote of 34 to 17.³⁸ But this vote did not indicate that only seventeen members were in favor of negro suffrage: seven others declared themselves in favor of removing the color distinction, but did not vote for the motion either because they had been absent or because the people would not sustain them.³⁹ One member estimated that only one-tenth of the convention were opposed to negro suffrage from conviction, and another said that the question had been considered in a caucus of the members of the convention, and that not more than six had been opposed on principle to giving negroes the elective franchise.⁴⁰ It was, however, feared that the constitution would be rejected at the

³⁵ *Ibid.*, p. 371, Perkins.

³⁶ *Ibid.*, p. 337, Messer, pp. 355, 356, North.

³⁷ *Ibid.*, pp. 343, 344.

³⁸ *Ibid.*, p. 366.

³⁹ *Ibid.*, p. 341, Foster, p. 364, Balcombe, p. 393 Hudson, p. 395, Bittings, p. 394, Robbins, p. 398, Aya Coombs.

⁴⁰ *Ibid.*, p. 365, Balcombe, p. 361, North.

polls, if the word "white" should be eliminated, and it was urged that the matter of gravest immediate concern was to help restrict the expansion of slavery by sending anti-slavery Senators and representatives to Congress.⁴¹ "I do not believe," said Foster, "the people are quite up to the highest mark of principle: the force of prejudice is yet so strong among them. . . . A great contest is going on between the antagonistic powers of slavery and freedom, for the plains of the West. . . . If we go to Congress with two Senators upon the floor of the Senate and our members in the House, all upon the side of freedom, we accomplish more for the cause of freedom—freedom for the white and freedom for the black—than we should be engaging here in a vain contest upon an abstraction." It was agreed, however, that there were many people in the territory opposed to the color discrimination and that it would be safest to conciliate them by submitting the question of striking out "white" to popular vote.⁴² An appropriate resolution was accordingly adopted but was lost in the conference with the Democratic convention.⁴³ It is apparent, therefore, that a very considerable element of the Republican party in Minnesota desired to expunge all color discriminations from the text of the state constitution, and that already, on this question, the politicians were in advance of the people. In this as in other conventions, the liberal sentiment on negro questions was in large measure due to the potent influence of New York and the New England States: thirty-seven of the fifty-nine members of the convention and fifteen of the seventeen who voted to strike out the word "white" were natives of those commonwealths.⁴⁴

⁴¹ *Ibid.*, p. 365, Balcombe, p. 394, Robbins, pp. 341, 366, Foster.

⁴² *Ibid.*, p. 338, Messer, p. 361, North, p. 360, p. 360, Wilson, p. 394, Robbins, p. 400, Cleggflern.

⁴³ *Ibid.*, p. 572.

⁴⁴ The nativity of the convention was: New York 11, Maine 4, Massachusetts 5, Vermont 5, New Hampshire 10, Rhode Island 1, Ohio 4, Pennsylvania 6, New Jersey 1, Indiana 1, North Carolina 1, Virginia 2, England 1, Ireland 1, Scotland 1, Germany 1, Prussia 1, Sweden 1, Canada 1; of those who voted to expunge "white": New York 5, New Hampshire 5, Massachusetts 3, Vermont 1, Maine 1, North Carolina 1, Scotland 1.

WISCONSIN, 1857

The year 1857 also saw the negro suffrage question submitted a third time to the voters of Wisconsin. In accordance with the power granted to the Legislature by the constitution of 1848, a bill was introduced in the Senate, January 21, 1857 to provide for a popular vote on extending the suffrage to colored persons. A committee reported, a week later, that it was doubtful whether the vote of 1849 on the same question had not conferred the elective franchise on negroes, and that it was inexpedient to take another popular vote until the legal effect of the former one should have been judicially determined; but the bill was nevertheless passed by a vote of 15 to 5.⁴⁵ The Assembly committee, on March 2, proposed an amendment providing that the question of woman suffrage should also be submitted to the people, and made a long report. The Assembly immediately adopted the amendment by a vote of 41 to 29 and passed the bill, 40 to 33, but on the next day receded from the amendment and left the bill in its original form.⁴⁶ The report signed by David Noggle and J. T. Mills discusses both the question of the negro suffrage and that of woman's suffrage. With reference to the former the committee denounced: "the barbarous and unmanly dogma that human rights are qualities of color." They adverted to the difficulty of deciding who were white persons, and proceeded in a spirit of the most expansive liberality: "The Holy Bible tells us the diversity of tongues in the early ages, repelled the tribes of mankind from each other, and snapped the fraternal band of unity; but the steamship verifying the strange prediction that there shall be no more sea; the railroad trains traversing the girdle of the earth like new formed satellites; the submarine telegraph that fills the deep with the consciousness of human thought—prove that the period of clannish prejudice, of national animosities, of religious bigotry, of cutaneous aristocracy is passing away. There may be fossil men among the active living masses of the

⁴⁵ *Wisconsin Senate Journal*, 1857, pp. 59, 115, 197.

⁴⁶ *Assembly Journal*, 1857, pp. 711, 712, 751.

present time, stubborn conglomerates of obsolete ideas, drifted and rolled like lost stones in the path-way of human progress; but it is a blunder of destiny that some men are born in an age to which their natures are not adapted. Eagle-eyed science does not recognize the distinctions of color. In her temple the swarthy Euclid stands by the side of the pale browed Newton. * * * Let him who glories in the fairness of his hide, quarrel with a tallow candle as to which is the whiter, and therefore the most noble. The present earnest and active age has no time to settle the magnificent contest. But who is excluded on account of color by our constitution? Is the Chinese, the Spaniard, the Moor, the Hindoo, the Turk, or all of them excluded? Intercourse has brought, and will continue to bring in increasing numbers, emigrants from all these countries to our shores. If it is the African blood we prescribe, does the constitution apply to emigrants from all nations of Africa? If the negro is the Amalek of our antipathy, who shall tell us how much of the accursed blood is sufficient to expel him, like the leper, from the body politic?"⁴⁷

The question of suffrage extension was much more prominent in the political controversy preceding the fall election than it had been in 1846 and 1849. The Democratic party was unequivocally opposed to giving black men the privileges of whites. On July 10, the *Madison Argus and Democrat*, discussed the Declaration of Independence, recalled that Washington held slaves, and concluded that the declaration had no reference to negroes. Later the whole Democratic press assaulted Governor Bashford because he had appointed a colored man to the office of notary public, and when the Democratic state convention met, they announced their position on the suffrage issue in a resolution: "That we are unalterably opposed to the extension of the right of suffrage to the negro race, and will never consent that the odious doctrine of negro equality shall find a place upon the statute books of Wisconsin."⁴⁸ It was a safe issue for the Democrats, and they did not fear to define their position. They argued that it involved the questions: "Shall

⁴⁷ *Appendix to Assembly Journal*, 1857, vol. 11., next to last document.

⁴⁸ *Madison Argus and Democrat*, July 10, August 1, and September 5, 1857.

negroes be admitted to the social circles, to our tables and firesides? Shall negroes marry our sisters and daughters, and smutty wenches be married by our brothers and sons? Shall we amalgamate?" They denounced negro equality as "odious, unnatural and wrong," attacked Mr. McMynn, a candidate for the office of superintendent of schools because he would have white children "placed side by side on the seats of the school room, and taught in the same classes with the descendents of blackamoors and Hottentots," and opposed negro suffrage "because it is a scheme to bring the white race down to the level of the negro, because political equality must necessarily lead to social equality of the races, because negro suffrage and amalgamation go hand in hand."⁴⁹

The position of the Republican party on the negro suffrage question was not so unmistakable. It was the Republicans who submitted the issue to the people, and during the summer of 1857. most of their newspapers argued for equality at the ballot-box. Yet it must have been evident that the voters of the state would never ratify the proposed extension of suffrage to the African race. The crushing defeat of the similar measure at the August election in Iowa warned the politicians as to the real state of public sentiment. When the Republican party convention assembled early in September, it disposed of the suffrage question by an ambiguous resolution: "That we are utterly hostile to the proscription of any man on account of birthplace, religion or color." Under the circumstances, even this was bold language, and according to the *Argus and Democrat*, probably would not have been adopted but for the insistence of Sherman Booth, "and his old abolition guard." Many of the prominent Republican newspapers, however, including the *Berlin Courant*, the *Omro Republican*, the *Fond du Lac Commonwealth*, the *River Falls Journal*, the *Racine Advocate*, the *Columbus Journal*, the *Viroqua Times*, the *Oshkosh Democrat*, and the *Milwaukee Sentinel*, continued somewhat mildly

⁴⁹ *Ibid.*, Aug. 1, Aug. 3, Sept. 11. The *Weekly (Madison) Wisconsin Patriot*, Aug. 15' and Sept. 12. To bear out the last charge, the *Argus and Democrat* refers with indignation to a case in Kenosha of marriage between a white woman and a negro.

to advocate negro suffrage and insisted that the Republican platform had endorsed it. Booth in his *Free Democrat*, asserted that the platform "does contain the free suffrage, in claiming equal rights for all without regard to color," and "that this must be construed as an expression of sympathy on the part of the Convention, with the proposed extension of suffrage" and "that it is to that extent an endorsement of the measure." The *Berlin Courant*, predicted: "Just as sure as this measure of justice is denied by the Republicans, just so sure is the death warrant of our party sealed;" and the *Fond du Lac Commonwealth*, hoped that "the party is not so hypocritical as to spurn this doctrine." Byrd Parker, a colored man, and others of his race, and also a number of white lecturers, made speeches to secure votes for equal suffrage and were heartily endorsed and praised by several Republican newspapers. Other papers, like the *Grant County Herald*, came out in opposition to negro equality, and others still avoided the question. The *Fond du Lac Commonwealth*, rebuked the *Madison State Journal* for its "cowardly talk" on the subject. The rebuke was deserved: in stating "the issues of the campaign" on August 29, the *Journal* did not mention the negro question: on September 4, after the convention of the Republicans had met, it declared that "the platform is a noble one," and that "its planks are every one of them sound;" on September 7, it objected to the assertion of the *Argus and Democrat* "that color is a ground for proscription, so far as the rights of suffrage and social equality go;" but it never ventured an unqualified advocacy of negro suffrage. The *Argus and Democrat* charged that the Republicans had abandoned their issues, and declared that negro suffrage had "not a friend to support it as a political measure," and that "a Republican convention dare not endorse it, or a Republican candidate go before the people upon it." The editor of this journal, nevertheless, felt aggrieved that the Republicans had not insured Democratic victory by adopting a fatally unpopular principle, and in the same issue, September 11, he proclaimed: "The Republican party now proposes to confer the right of suffrage and the sacred franchises of citizenship upon the black race, which would render them eligible

to the highest offices in the State, and be the first step for their admission to social equality." Later, October 1, he adduced the fact that "not a leading Republican paper in the State has uttered a solitary word against the negro suffrage plank in the Republican platform," as evidence that the Republican party was identified with negro equality. The people refused to take that view of the situation; in November, Alexander Randall, the Republican candidate was elected by a bare majority in a total vote of about 90,000; but the proposition to extend the elective franchise to colored persons, on which there was cast a total of 67,656 votes, was defeated by 40,106 to 27,550. It is significant, however, that over half the Republican party voted for colored suffrage, that seventeen counties gave majorities for it, and that in some of them, notably Walworth, Racine, Waukesha, Calumet, Winnebago and Fond du Lac, almost the entire Republican vote was cast for it.⁵⁰

OREGON, 1857

In the far West, there was probably no more demand for negro suffrage, than there had been in the California convention of 1849. In 1857, Oregon adopted her first constitution, with the usual color discrimination in the suffrage article, and submitted to the people along with the constitution, the separate questions of slavery and of the immigration of free negroes. The voters ratified the constitution by 5710 to 2184, the article forbidding slavery by 6361 to 1382, and the article forbidding the immigration of free blacks by 5479 to 651. In the older states the friends of the negro were nearly always able to secure repeal, or the defeat, of laws restricting immigration, long before they could bring about the adoption of impartial suffrage. It is, therefore, a safe assumption that, in 1857, there was in Oregon, practically no sentiment whatever in favor of granting electoral privileges to negroes.⁵¹

⁵⁰ The Wisconsin *Argus and Democrat*, July 21, August 13, Sept. 5, 10, 11, 14, 16, October 1; The *Madison State Journal*, August 29, September 4, 7; *Whig Almanac* 1858, pp. 62, 63.

⁵¹ *Journal of the Oregon Constitutional Convention*, 1857, pp. 58, 59, 60, 86.; *Whig Almanac*, 1858, p. 63.

DRED SCOTT DECISION AND CITIZENSHIP IN NEW ENGLAND

In the extreme East was to be found nearly the exact antithesis in popular feeling on negro questions. The development of New England's attitude on the suffrage is not easy to trace. Maine refused to adopt a color discrimination in the convention of 1820-1821, which discussed other phases of the voting privilege, but did not refer to a color qualification, and accepted without question a suffrage article from which the color distinction was absent.⁵² In Rhode Island, negroes were expressly disfranchised by the Dorr *pseudo*-constitution of 1841, but not by the instrument adopted in 1842.⁵³ An attempt in Connecticut, in 1846, to strike out the word "white" which had been adopted in 1818,⁵⁴ was overwhelmingly defeated.⁵⁵ In the Pennsylvania convention of 1837-1838, one member said he had heard of a colored justice of the peace in Maine.⁵⁶ Chancellor Kent, in the 1848 edition of his commentaries, the last one that could have been revised by himself, retained the statement that in no part of the country except Maine, did free colored persons, "in point of fact, participate equally with the whites, in the exercise of civil and political rights."⁵⁷ It may be that in some instances, negroes were excluded from the ballot box on the ground, that, as some courts held, they were not citizens,⁵⁸ and it cannot be doubted that the race prejudices against negroes persisted even in New England.

In the Massachusetts constitutional convention of 1853, an attempt was made to secure a provision that colored men should be admitted to the militia, and probably would have succeeded if there had been a state militia distinct from the national militia in which the Federal statutes included none but white men. In the discussions of this question, a member said: "We know that so far as colored citizens are concerned, there

⁵² *Ante*, pp. 25.

⁵³ *Ante*, p. 72.

⁵⁴ *Ante*, p. 24.

⁵⁵ *Ante*, p. 78.

⁵⁶ *Pa. Con. Debates*, V., p. 451, Maclay.

⁵⁷ *Kent's Commentaries*, II., p. 258; Weeks, *Pol. Sci. Quar.* IX., p. 679.

⁵⁸ *Ibid.*, p. 677.

is a repugnance which * * * it would be difficult to get over among the soldiers of our companies.”⁵⁹

It was, however, not considered necessary to give negroes civil or political rights; it was agreed that they already possessed them. One member said: “In fact there is nothing to debar the colored person from receiving all the civil and political rights that are possessed by every other citizen of Massachusetts. That I believe is the fact, and it is one of which Massachusetts may well be proud.” Henry Wilson, already prominent as an anti-slavery leader and afterward one of the foremost champions of negro suffrage, said: “The Constitution of the Commonwealth knows no distinction of color or race. A colored man may fill any office in the gift of the people. A colored man may become the ‘supreme magistrate’ of Massachusetts.”⁶⁰ In the Minnesota Republican constitutional convention of 1857, Mr. Colburn, who was born in New Hampshire said of his native state: “The doctrine of negro suffrage prevailed there, and negroes were permitted to vote,” and declared that a like situation existed in Massachusetts.⁶¹

What significance, then, is to be attached to the fact that New Hampshire in 1857, and Vermont in 1858, passed laws that guaranteed the rights of citizenship to negroes? The enactment of these statutes has been interpreted to mean that the legislatures were trying to establish the negro’s right to vote.⁶² Both statutes contain sections, providing that neither descent from an African, whether slave or not, nor color of the skin, should disqualify anyone from becoming a citizen or deprive any person of a citizen’s full privileges. The New Hampshire law, which was passed first, also contains a section to the effect that the suffrage provisions of the *Compiled Statutes* should “not be so construed as in any case to deprive any person of color, or of African descent, born within the limits of the United States, and having the other requisite qualifications, from vot-

⁵⁹ *Massachusetts Convention Reports*, 1853, I., p. 425, II., pp. 72, 75, 83; III., p. 647.

⁶⁰ *Ibid.*, II., pp. 73, 79.

⁶¹ *Minnesota Convention Debates*, p. 364.

⁶² Weeks, *op. cit.*, p. 677. “New Hampshire found it necessary in 1857, and Vermont in 1858, to enact that negroes should not be excluded from the ballot.”

ing at any election; but such person shall have and exercise the right of suffrage as fully and lawfully as persons of the white race." These provisions can well be construed as intended to apply especially to escaped slaves or their descendants, and such a construction is in accord with the general purpose of the other sections of the law to provide for trial by jury of all colored persons who might be claimed as fugitive slaves, and to hinder the execution of Federal law of 1850.⁶³ It may have been that negroes who had recently came into the state from the South were not regarded as lawful voters by the election officers, and that other negroes were occasionally hindered in their exercise of the right to vote. But that, in the New England states where no color discriminations existed, where the anti-slavery men did not find it necessary to agitate the negro suffrage question in state constitutional conventions, and whence came the abolition orators to the West, negroes were generally kept away from the ballot box, is inconceivable in view of the situation in other states where negro voting was illegal.

In spite of the law, colored men voted in Detroit, Michigan, as early as 1844, neither political party making objection.⁶⁴ Fourteen years ago (1906) it was said: "Almost any old citizen of Wisconsin can cite instances where colored men, although not legally entitled to vote, voted regularly; and a Milwaukee newspaper a few months ago, recorded the death of a negro who had been on a jury before the War of Secession."⁶⁵ In Ohio, the State Supreme Court repeatedly held that a person with a preponderance of Caucasian blood was to be legally considered white and if otherwise qualified had the same right to vote as men of pure white blood; and in 1859 the Court declared unconstitutional a law passed April 2, of that year, forbidding election officers to receive votes from any man with a "visible admixture" of African blood.⁶⁶ It is entirely cred-

⁶³ *Laws of New Hampshire*, passed June Session 1857. Ch. 1965. *Laws of Vermont*, 1858, pp. 43, 44.

⁶⁴ *Ante*, p. 95.

⁶⁵ Baker, *op. cit.*, p. 12.

⁶⁶ *Gray v. Ohio*, p. 4, *Hammond*, p. 353; *Williams v. School Directors*, *Wright* p. 579; *Jeffries v. Ankenny*, Dec. Term, 1842; *Thacker v. Hawk*, vol., 11, Ohio, p.

ible that a flood of mulattoes poured in, claiming the legal "whiteness," and that in strongly Free Soil districts, many colored people unlawfully exercised the right of suffrage.⁶⁷ In one instance, already noted, a colored man, who may have been more than half white, was elected a town clerk in Ohio.⁶⁸ It is probable, therefore, that in New England, where the law sanctioned negro voting, colored persons who had been born there exercised the right of suffrage unquestioned, and it is possible that the statutes passed by New Hampshire and Vermont were partly intended to remedy the doubtful position of recent comers.

The main purpose, however, in passing these laws was to protest against the recent decision of the United States Supreme Court in the Dred Scott case. In his message to the New Hampshire legislature, June 4, 1857, Governor Haile deplored the grave consequences of the doctrine laid down by the majority of the court, that free negroes were not citizens of the United States. "State legislatures have fortunately", he continued, "power to admit to the privileges of citizenship, and to protect those citizens, to whom such privileges are denied under the declared law of the United States. When the highest tribunal in the country declares that citizenship is made to depend upon mere color or race, the race prosecuted should have their minds relieved from all doubts concerning their rights under the laws of the State. With this view, and by way of protest against a principle contrary to the spirit of our institutions, it may be expedient to declare what is now true, that, under our local law, all men of whatever grade, color or race, if injured, or unjustly deprived of their property or freedom may at least sue for redress and be heard in our courts of justice."⁶⁹ In accordance with this suggestion, the act declaring the rights of colored men was passed by a vote of 184 to 114

376; *Lane v. Baker et al.*, vol., 12, Ohio, 237; *Chambers v. Stewart*, vol., II., Ohio, p. 386; *Stewart v. Southard*, vol., 17, Ohio, p. 402; *Anderson v. Millikin*, 9. *Critchfield*, p. 568.

⁶⁷ *Denton's report to Michigan Senate*, 1845, *Documents*, etc., no. 15.

⁶⁸ *Ante*, p. 105.

⁶⁹ *New Hampshire House Journal*, 1857, pp. 55, 56.

in the House,⁷⁰ and a vote of 6 to 4 in the Senate.⁷¹ The negro question was also raised in the case of a bill for remodelling the state militia from which the House expunged the word "white" by a vote of 138 to 126.⁷² In October of the same year, the Governor of Vermont, Ryland Fletcher, also called attention to the hatefull doctrine of the Dred Scott decision that masters could carry and hold their slaves anywhere in the United States, and the legislature passed resolutions of condemnation. In October, 1858, the new governor, Hiland Hall, repeated the denunciations of his predecessor at the opening of the session during which the legislature passed a law similar to that of New Hampshire.⁷³

NEW YORK, 1857

Meanwhile the negro suffrage question had come up again in the State of New York. Several petitions that the question be submitted to the people were sent to the legislature during the session of 1857,⁷⁴ and in March both houses passed a bill providing for a popular vote at the fall election.⁷⁵ However, perhaps because the Republicans feared the political effects of the certain defeat of the measure, the proposed amendment was not published three months before the elections, as the constitution required, and no popular vote was taken.⁷⁶ At the next biennial session in 1859, the legislature passed another bill submitting the issue of negro suffrage to the people at the general election of 1860.⁷⁷ In the stress of a momentous campaign, little attention seems to have been given to this minor question; the *New York Tribune*, which had championed the cause of the black man in 1846, referred little, if at all, to this matter in the year of Lincoln's election to the Presidency. Neverthe-

⁷⁰ *Ibid.*, pp. 299-301.

⁷¹ *Journal of the Senate*, 1857, p. 137.

⁷² *House Journal*, pp. 387, 389.

⁷³ *Vermont Senate Journal*, 1857, pp. 27, 28, 29; *House Journal*, 1858, pp. 31, 32, 33, 305.

⁷⁴ *House Journal*, pp. 86, 226, 433, 636, 656, 757.

⁷⁵ *Sen. Journal*, pp. 353, 354. The vote in the Senate was 21 to 5. *House Journal*, pp. 863, 864. The vote in the House was 75 to 27.

⁷⁶ *Wisconsin Argus and Democrat*, Sept. 11, 1857.

⁷⁷ *House Journal*, p. 752.

less, the vote on the subject was comparatively large; Lincoln defeated Douglass by 362,646 to 312,510, and the proposed extension of the elective franchise by abolishing the property qualification for colored voters was rejected by 337,984 to 197,503.⁷⁸

RELATION OF THE MOVEMENT TO CURRENT THOUGHT AND POLITICS

The negro suffrage agitation before the Civil War was one phase of the most important of "idealistic political movements" in American History. The beginnings of the abolition movement had accelerated the growth of sectional antagonism between North and South. Political controversy in turn influenced men's ideals. The Declaration of Independence became more and more potent in determining the thoughts of men on negro questions, and they began, not only to vote for giving negroes the elective franchise, but actually to treat black men with more consideration. In Illinois, the growth of anti-slavery sentiment in the northern part of the state resulted in opening the schools to black men's children.⁷⁹ The Massachusetts legislature, in 1843, showed faith in the theory that negroes differed from white men only in the color of the skin by repealing the law which forbade marriage between whites and blacks.⁸⁰ The belief in freedom and the resentment of southern aggression were also manifested in numerous statutes passed by northern states, especially during the later fifties, to prevent the enforcement of the fugitive slave laws.⁸¹ Thus did humanitarian sentiment and political enmity support and strengthen each other. Perhaps the best index of the progress of humanitarian idealism, is the growth of sentiment in favor of negro suffrage from the Pennsylvania discussions of 1837 and 1838 down to the election of Lincoln. The movement to grant political privileges to the black man, almost non-existent in 1840, had sprung up and grown strong in the Northwest

⁷⁸ *Tribune Almanac*, 1870, p. 53.

⁷⁹ Harris, *Negro Servitude in Illinois*, p. 231.

⁸⁰ Hurd's *Law of Freedom and Bondage*, II., p. 36.

⁸¹ *Ibid.*, II., pp. 32, 35, 40, 50, 51, 47, 140, 142, 119, 120, 121.

until it seemed not far from the point of furnishing a principle of the Republicans in Iowa. Minnesota and Wisconsin, had continued to secure converts in New York so that the proportion of voters who favored equal suffrage grew from one-sixth in 1846 to more than one-fourth in 1860, and in New England, had produced decisive manifestation that the majority of the people's representatives were anxious to guard against any infringement of the black man's rights to vote. There was indeed a great difference between the negro suffrage question before the war and the negro suffrage question after the war. The question presented to the northern people before 1860 was whether they would show their love of abstract, principle and their feelings against slavery by permitting a small number of colored men, who could not possibly exercise any determining political influence, to come to the polls and deposit paper ballots along with the whites. The question presented after the war was whether the North should compel the South to commit the mending of its shattered prosperity to the government of a majority, which had been embittered by the memory of four years of bloodshed, and which was mainly composed of newly emancipated, hopelessly ignorant negro slaves. The revolution in public opinion brought about by the Civil War included almost as great a change of sentiment on negro suffrage as on any other question. But in accounting for the Reconstruction Act of 1867, and for the Fifteenth Amendment, the tendency to ignore minorities ought not to be permitted to hide the fact that before the war began in two such representative states as Wisconsin and New York, the principle of negro political equality had been endorsed by more than half the voters of the victorious political party.

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THE MINING ADVANCE INTO THE INLAND EMPIRE

A COMPARATIVE STUDY OF THE BEGINNINGS OF THE MINING
INDUSTRY IN IDAHO AND MONTANA, EASTERN WASH-
INGTON AND OREGON, AND THE SOUTHERN
INTERIOR OF BRITISH COLUMBIA;
AND OF

INSTITUTIONS AND LAWS BASED UPON
THAT INDUSTRY

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PREFACE

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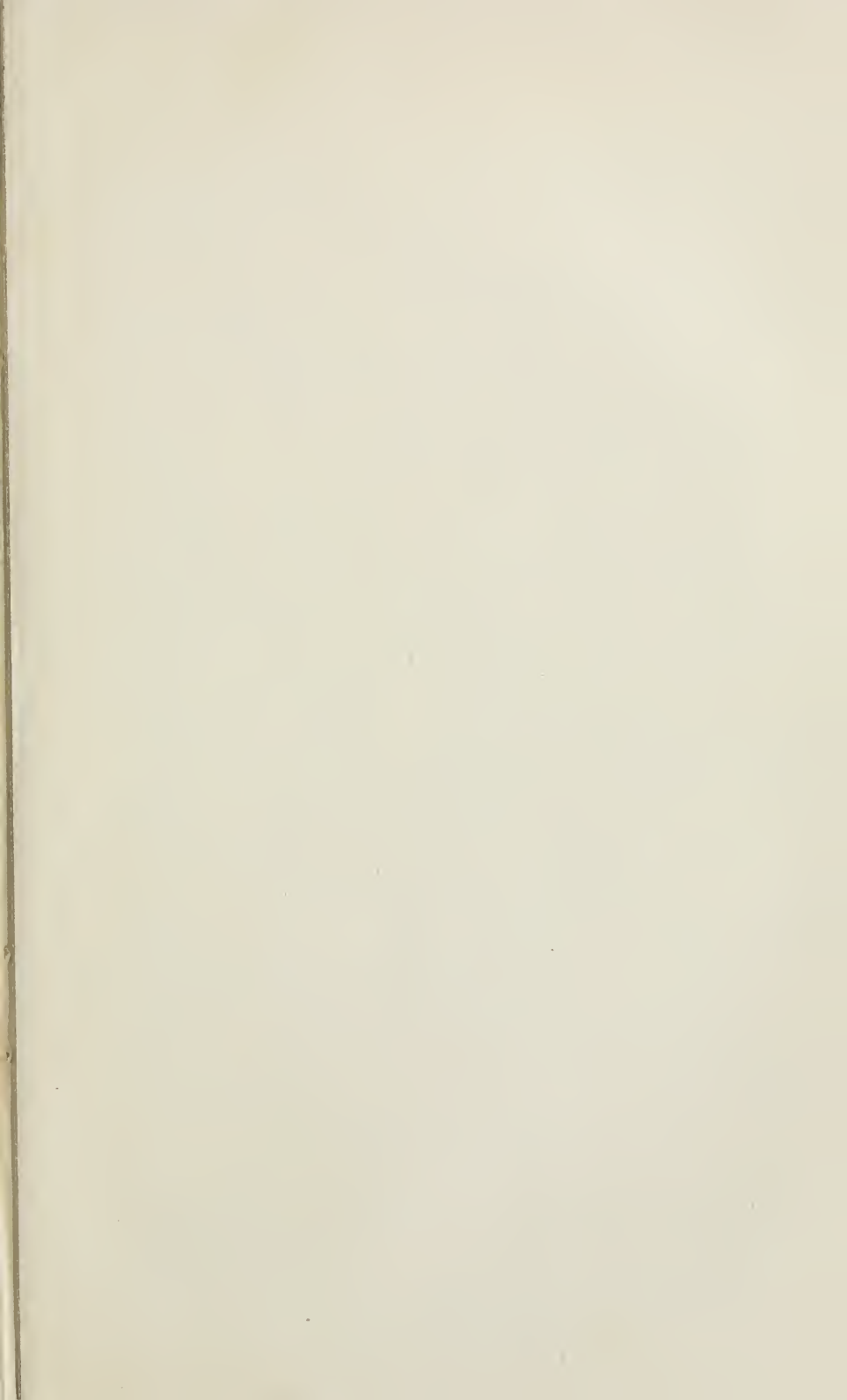
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THE MINING ADVANCE INTO THE INLAND EMPIRE

INTRODUCTION

THE REGION AND THE MOVEMENT

For almost a decade after the discovery of gold in California, the precious metal industry in the United States was carried on extensively only within that state. The decade following 1858, however, was characterized by the expansion of the industry on a large scale into many parts of the Rocky Mountain area. In this process of expansion certain movements or fields may be differentiated for convenience of study. One movement took place to the Southwest, another into the Pikes Peak region, a third into Nevada, and a fourth into the far Northwest. The last is plainly differentiated from the other movements either because of location or character of development, while the various districts which it reached were well connected by homogeneity of population and relationship of development. It is difficult, however, to find for this movement a name at once sufficiently succinct and comprehensive.

It should be made plain at the outset of this study that the term Inland Empire, as applied in the title, is used more as a convenient name for a movement than as a precise geographical designation. The region with which we are concerned includes (in terms of present political boundaries) the southern interior of British Columbia, eastern Oregon and Washington, western Montana, and Idaho. When this region began to attract wide attention about the time of the Civil War in the United States, because of a series of great mining "rushes", it was known vaguely in the East as the "Northwest", while along the western coast it was spoken of frequently as the "Northern Interior".

Today it is generally included in the term Pacific Northwest, and it might, perhaps, well be designated as the interior of the Pacific Northwest. But differentiation is often made in the United States between the Pacific Northwest and British Columbia; and so, in the absence of any definite term applicable to the whole region under consideration, I have ventured to make use of one commonly applied only to the central area within this region. Yet a growing use of the term "Inland" in southern Idaho and of the "Inland Empire of British Columbia" may give some sanction to wider application for the sake of convenience. Its extension to the Missouri slope of Western Montana, however, is defensible only from the point of view that the development of the early mining industry in that quarter formed a part of the general movement into the Inland Empire.

Considered as a whole, this vast region possesses very considerable physiographic unity. Diversities, to be sure, are to be found, as, for example, between southern and northern Idaho; but the country is clearly differentiated from the eastern plains and from the western coast. The latter distinction is most clearly marked,—travelers emerging from the dense fir forests of the coast to the plateau of the interior, either by way of the Columbia or the Fraser, observed that the trees (here of pine) became far less dense or disappeared altogether in great bunch grass plains, that the rainfall was much less, that peculiar terraces were found along the rivers, and that instead of the "canoe Indians" of the coast, there now appeared a better type, the "horse Indians". The inland plateau itself is distinctive. Covering the country from far into British Columbia to the confines of Nevada and California, and from the Cascades to the Rockies, is an immense lava formation of many layers. Its average depth is estimated at 2,000 feet, and its extent 200,000 square miles.¹ Rising above the lava

¹ *Bulletin U. S. Geol. Sur.* No. 108, p. 11. This monograph is by I. C. Russel, one of the best authorities for the physiography of the Inland Empire. Professor Russel characterizes the lava formation as follows: "This vast inundation of lava is one of the most remarkable and, I may say, one of the most dramatic incidents in the geological history of North America. It is safe to assume that all of the lava poured out by volcanoes within historic times, if run together, would make but a small fraction of the mass under which the region drained by the Columbia is buried."

plateau are the partially submerged peaks and mountain ranges of the primeval country, and on the eastern border the lava thins out into gulfs and bays among the Rocky Mountains.² In the Rocky Mountains or in the off-shoots westward from these mountains—the Owyhee, the Boise, the Salmon River, the Bitter-root, and the Cariboo ranges, and the Okanogan highland—were located the various mining camps about which we are to study.³ From the Rockies flowed the three great river systems which became important factors in transportation to these camps—the Missouri, the Fraser, and the Columbia. The two latter are much alike. Both are noted for the swiftness of their current and the ruggedness of their canons; both swing far northward, and both receive from the East a great tributary (in the one case, the Thompson, in the other, the Snake); both have fine navigable stretches in their upper courses which, as the rivers plunge from the plateau, are interrupted by formidable obstacles; and both form magnificent waterways from the last of these obstacles to the ocean. The districts drained by these systems, likewise, have much of physiographic similarity. The Line of 49', the boundary between British Columbia and the American territories, was drawn at right angles, so to speak, to the physiographic inclination of the country. *From the point of view of physiography it would seem that there was not sufficient differentiation north and south of the political boundary materially to modify the development of society.* In other words, so far as the country was concerned, the development of institutional life was likely to be identical.

Civilized society took possession of this region both north and south of the Line through a great movement of miners, which occurred in the decade following 1855. Previous to that year, it is true, there had been within the region such forerunners of civilization as fur traders, explorers, and missionaries, and

² An important phase of the geology of Montana is discussed in *Some Volcano Ashbeds of Montana*, by J. P. Rowe, *Mont. Univ. Bull.* No. 17, Geol. Series, No. 1, 1903.

³ A succinct and satisfactory treatment of the physiography of British Columbia is that by Geo. M. Dawson, in *Geol. Sur. of Canada*, Vol. III, pt. II, pp. 5R-15R. A bibliography is appended.

through its southern part had proceeded the immigration on the Oregon Trail; but the institutions of civilized society had not been established upon the soil of the Inland Empire. These the Mining Advance produced.

The advance of the miners into the British and American portions of the region was practically contemporaneous, and the various rushes were interrelated. "A flood of picks and pans" (as writers in the midst of events styled it) spread over the country in successive waves, beginning with the Colville country in 1855. Between 1858 and 1866 rushes occurred (using present political designations) in British Columbia to Fraser River, Rock Creek and the Similkameen, Cariboo, Kootenai, and the Upper Columbia; in eastern Oregon, to John Day River and to Powder River; in Idaho, to the Nez Percés mines, Salmon River, Warren's Diggings, Boise, and Owyhee; and in Montana, to Grasshopper Creek, Alder Gulch, and Last Chance. There was constant migration between these various camps, which political boundaries did not seriously interrupt.

The general unity of the movement was greatly increased by the presence everywhere of Californians. It is true that in different fields different outcroppings (if the phrase be permissible) of population appeared. Thus in Cariboo, for example, the British element was more apparent than in most camps south of the Line; men from Missouri and Colorado were conspicuous in Boise Basin, while still another admixture was formed by the people from Minnesota who came to Montana. But a stratum of Californians was to be seen everywhere, and these produced throughout the region a similarity in methods of mining, in manners of society, in interests, and in the sort of institutions that tended spontaneously to spring up.⁴

There are three points of view, the statement of which may be of value in considering the mining advance into the Inland Empire.

⁴ Californians, of course, went to most American camps, and there were also relationships between many of the camps of the region we are studying and Nevada and Colorado. But the main point which is here sought to be made is that in the constituent elements of the population of the mining camps north and south of the Line, there were not sufficient divergencies wholly to account for variations in types of institutions.

In the first place, this movement was part of the formation and advance of an *eastward moving frontier*. American population, which had advanced westward up to 1840 in comparatively gradual and connected movements, in the decade 1840-50 leaped to the Willamette and the Sacramento; now it was recoiling eastward and in this recoil was meeting the old frontier, which was still advancing westward. In this beginning of the fusion of frontiers there was an interesting commingling of men reared in the East and of the men habituated to Californian ideas and usages. New problems were created (among which the condition of the Indians was the most grave), new industrial and social forces were generated, and older ones reshaped or accentuated.

A somewhat elated poem of the time, published in Montana, indicates the swiftness of change wrought by this meeting of frontiers:

"The star of Empire Westward takes its way;
When Bishop Berkeley wrote *was* very true,
But were the Bishop living now, he'd say
That brilliant star seems *fixed* to human view.

"From Eastern hives is filled Pacific's shore—
No more inviting sun-set lands are near;
The restless throng now *backward* pour—
From East to West they meet, and stop right here.

"Away our published maps we'll have to throw—
The books of yesterday, today are lame

"And towns and roads are made on every side,
In shorter time than books and maps are bound."⁵

A second point of view in the consideration of the mining advance is that it was a movement based, primarily, on a single industry. Whether north or south of the Line, in British Columbia, Idaho, or Montana, men talked of mines, struggled for

⁵ H. N. Maguire in the *Montana Post*, republished in the *Owyhee Avalanche* Feb. 10, 1866.

mines, and founded their laws and institutions on mines. Other forms of industry were subsidiary to mining. (By mining, of course, is here meant mining for the precious metals.) The growth of this industry in this region, moreover, was related to the evolution of the industry in other sections, and, therefore, adequate treatment should include reference to the more important phases of the general development then going on in precious metal production.

The third and principal point of view of this study is that of comparison between British Columbia and the territories to the south during the period of the mining advance. While there would seem to be sufficient unity in the history of the whole region, during this period, to justify an attempt to treat it as a whole and to segregate it from other movements of the time, yet the main thesis here offered is that, in spite of unifying natural tendencies, the accidental political Line did cause deep cleavage in the formation of institutions. *In two similar parts of the same region, with a population having many of the same elements and occupied in the same industry, distinct differentiation did occur; and the phases, sources, and tendencies of this differentiation will be a recurring theme in this history.*

The plan of presentation contemplates: (1) a survey of the history of the mining advance; (2) special treatment of its economic and social aspects; (3) consideration of problems of government.

PART I

A SURVEY OF THE HISTORY OF THE MINING ADVANCE INTO THE INLAND EMPIRE, 1855-1870

CHAPTER I

THE INCIPIENT RUSH TO COLVILLE, AND THE INDIAN UPRISING OF 1855-1856

Ft. Colville, which for thirty years had been the chief inland post of the Hudson's Bay Company, became the first important center for mining development in the Inland Empire. It stood on the east bank of the Columbia on the second terrace back from the river, and in 1855 comprised a stockade which partially enclosed a dwelling house, several rude huts, a blacksmith shop and a few storehouses,—all made of squared logs and all somewhat decayed. The chief clerk of this establishment was Angus MacDonald, an intelligent Scotchman, and the habitues of the place were some twenty Canadians and Iroquois Indians. Three miles from the Fort was a good flour mill, in which was ground wheat raised by the French settlers, whose scattered farms dotted for nearly thirty miles, the beautiful Colville valley.¹ The mining district of which this fort became the center had no definite limits, but was held to comprise in general the territory lying east of the Columbia and between the Spokane and Pend d'Oreille Rivers.²

Who first discovered gold in this region, we do not know nor is the question important. Various roamers through the wilderness,—explorers, French-Canadians, mountain men,—with interest sharpened by the discoveries in California, had happened on gold in divers localities, but their discoveries had brought no results.³ In the late summer and fall of 1855, how-

¹ Stevens's *Report on the Hudson's Bay Co.*, 33rd Cong. 2nd Sess., Sen. Doc. Vol. 7, No. 37, p. 8. *Life of Stevens*, Vol. 1, p. 348.

² *Olympia Pioneer and Democrat*, Sept. 28, 1855.

³ Thus Mc Clellan had discovered gold on the Wenatchee in 1853 and Findlay or Benetsee in Montana in 1852, *Pacific Railway Reports*, Vol. 12, p. 120; *Contributions to the Historical Society of Montana*, Vol. 2, p. 121. The first discovery on the Pend d'Oreille was made by Walker, a half-breed. Letter of Judge B. F. Yantis, *Olympia Pioneer and Democrat*, Nov. 23, 1855.

ever, a movement occurred to the vicinity of Ft. Colville, which had some of the characteristics of a genuine miners' "rush," and which ushered in the gold era in the Inland Empire.

Considerable numbers of the citizens of Oregon and Washington participated in this movement and prospected in the Colville mines in the fall of 1855. The interest was increased by business stagnation in the Willamette and on the Sound.⁴ Some idea of the extensiveness of the movement may be inferred from scattered notices: "Suddenly all eyes turned to Colville," said the *Olympia Pioneer and Democrat*. "Many of our best men have gone prospecting." Governor Curry wrote to General Nesmith that many Oregon citizens had gone to the Pend d'Oreille mines; Steven's messenger, Pearson, met a company of ten or fifteen men near the Umatilla River on their way to the mines; Stevens, himself, a little later enrolled eighteen miners in his "Spokane Invincibles;" Yantis reports twenty men at work on one bar; organized parties explored the country under the leadership of well known citizens.⁵ It is apparent, therefore, that at that time a movement took place of some magnitude.

The reports brought back, a number of which were made by reliable and conservative men, were of such a nature as to inspire further efforts. It seemed that gold could be found almost anywhere between the Spokane and the Pend d'Oreille, but that the deposits were small and superficial.⁶ Still, men made with pan and rocker three to six dollars per day, and a few twelve. Explorations many miles up the Pend d'Oreille failed to show any large deposits, but MacDonald at Fort Colville told the miners that chances were better farther up the Columbia—a suggestion not without fruit in the later discovery of mines on Fraser River.⁷

The difficulties in the way of the miners, however, were great. The gold was light "float" gold, for the economical col-

⁴ Dady, *History of the Progress of Oregon after 1845*, Ms., p. 37; *Olympia Pioneer and Democrat*, Sept. 14, 1855.

⁵ *Id.*; 34th Cong., 3rd Sess., Ex. Doc., Vol. 9, No. 76, p. 158, Oct. 16, 1855; *Pioneer and Democrat*, Sept. 28, 1855, and Nov. 23, 1855.

⁶ Report of Col. Anderson, *Olympia Pioneer and Democrat*, Sept. 28, 1855.

⁷ Report of Judge Yantis, *id.*, Nov. 23, 1855.

lection of which quicksilver and the sluice system were needed. Supplies were scanty and men were living on flour and coffee.⁸ There were no suitable roads from the Sound over the precipitous mountains, and steamboat traffic on the Columbia was just starting. Hence, transportation was not yet organized, and organized transportation is vital to the success on a large scale of distant mining operations. But the most baffling obstacle to the adventurers was difficulties with the Indians.

The Indians of eastern Washington, in number about twelve thousand, were not to be despised as enemies. Living in an exhilarating climate, on an elevated plateau, thoroughly accustomed to the use of the horse, and having a variety of food, they constituted in physique and mind a fine race.⁹ The Nez Percés, inhabiting, for the most part, the country lying eastward from the present city of Lewiston, Idaho, were the largest and best ordered tribe, and, though not wanting in warlike qualities (as Joseph's warfare subsequently proved), they were nevertheless distinguished for their friendship to the whites. *This peace policy of the Nez Percés should be emphasized as the most important fact in the history of the Indian wars of the Inland Empire.* North of the Nez Percés lived the Coeur d'Alenes, Spokanes, Pend d'Oreilles, and Flatheads. A third group was to be found south from the Nez Percés, and consisted of the Walla Wallas, Cayuses, and Umatillas. Over the Blue Mountains was the desert country in which roamed the Shoshones—banditti they above all other tribes. Another group, important particularly because of the position it occupied, was the Yakima. The Yakima country lay west of the Columbia—between that river and the Cascade Mountains. The position was central, therefore, both to the Sound Indians and to the tribes of the farther interior and the principal chiefs of the tribe were related to the chiefs in both regions. Moreover, this

⁸ Report of A. B. Stuart, *id.*, Sept. 9th, 1855.

⁹ Many writers of the time comment on the marked differences between the Indians of the interior and the "fish" Indians of the coast, who lived almost exclusively on salmon and who traveled in canoes. Travelers in British Columbia made the same observation. For example, Kipp, *The Indian Council at Walla Walla*, p. 6; Anderson, Alex. C., *Handbook and Map to the Gold Regions of Frazer's and Thompson's River*, p. 6.

territory lay directly in the path of the mining advance.

The head chief of the Yakimas, Kamiakin, who was charged by the whites with being the chief instigator and organizer of the Indians in their efforts to stay the white advance, was an Indian worthy of note. All accounts agree that in physique and countenance he was impressive. He was tall and athletic, though somewhat slovenly in dress. His face, generally gloomy and thoughtful, lighted up wonderfully in speech, "one moment in frowns, the next in smiles, flashing with light and black as Cerebus the same instant." Speech with him, however, was rare, for he had the demeanor of a grave, proud man. He refused to be baptized as a Catholic, because he would not put away his surplus wives. Jealous of his rights and especially watchful against attempts to acquire the Indian lands, he traveled widely, striving to arouse the Indians to their peril. He may be regarded as an Indian statesman, who with devotion to the customs of his race and love for the superb land in which he lived, tried as best he might in feeble Indian fashion to unite the unorganized tribes against the dreaded white advance which he saw now impending.¹⁰

The Indians of the Inland Empire were, indeed, in bad plight. The tribes of the east had been pushed ever farther westward, but with both frontiers closing in upon these Indians, whither should they go? Everywhere throughout the tribes was the fear of being dispossessed of their lands and everywhere uneasiness. This dread and uneasiness extended to the Indians on the Sound. The whites, after the outbreak of hostilities, claimed that a general conspiracy had long been brewing and that Kamiakin was the arch conspirator; but it is evident now that conditions in different localities had made matters ripe for desperate measures on the part of the Indians without any deliberate plan of action.¹¹ They shrank from the coming of white settlers and especially of miners, for they knew something of the troubles that had befallen the Indians

¹⁰ References on Kamiakin: Winthrop, Theodore, *The Canoe and the Saddle*, p. 237; *Life of Stevens*, Vol. 2, p. 38; *Indian Affairs Report*, 1854, p. 234; *Wright to Wool, Message and Documents*, 1856-7, pt. 2, p. 160.

¹¹ *Remarks of J. Ross Browne*, 35 Cong., 1 Sess., App., p. 494.

in California.¹² Chiefs of the Yakimas, Cayuses, and Walla Walla had said to Gen. Alvord at The Dalles in 1853 that "they always liked to have gentlemen, Hudson Bay Company men or officers of the army or engineers pass through their country, to whom they would extend every token of hospitality. They did not object to persons merely hunting, or those wearing swords, but they dreaded the approach of the whites with ploughs, axes and shovels in their hands."¹³ It can readily be seen, therefore, that, with the Indians feeling thus, the coming of the miners to Colville was likely to precipitate hostilities.¹⁴

Another cause of the Indian outbreak, however,—so army officers in particular claimed,—was the treaties made by Governor Stevens in the summer of 1855. A great council was summoned by him to meet at Walla Walla, which was attended by large numbers of the Nez Percés, Cayuses, Walla Walla, Umatillas, and Yakimas. All of the tribes were suspicious and semi-hostile at this council, except the Nez Percés; and even of them a faction plotted with the malcontents. Kamiakin vehemently opposed any cession of land and rejected all presents from the whites. But at length the friendliness towards the whites on the part of the majority of the Nez Percés under the leadership of their head chief, Lawyer, prevailed, and treaties were signed which provided for the forming of three reservations and the paying of large annuities. The Nez Percés were to receive the beautiful country lying mainly between the Snake River and the Bitter Root Mountains; the Yakimas were to have their homes in the valley of the river that bore their name; and the remaining tribes were assigned tracts in eastern Oregon.¹⁵

These treaties were subjected to bitter denunciation by army officials, who claimed, as mentioned above, that they were a main

¹² Also Wool in *Message and Documents*, 1856-7, pt. 2, Rpt. Sec'y of War, p. 88.

¹³ *Life of Stevens*, Vol. 2, p. 625.

¹⁴ See on this Roder, Capt. Henry, *History of Bellingham Bay*, MS., pp. 19 and 20.

¹⁵ A pleasant narrative of this council is that by Lawrence Kipp, *The Walla Walla Council*, *Indian Pamphlets*, Vol. 14, No. 10, and republished in "*Sources of the History of Oregon*", F. G. Young, editor. A good account is found also in *Life of Stevens*, Vol. 2, pp. 34-65. Text of treaties is given in 57 Cong., 1st Sess., No. 542, p. 521-531.

cause of the war which broke out in the fall of 1855.¹⁶ Their ratification was delayed for four years by the Senate, in part because of the large annuities provided. John Sherman said that the government might more cheaply bring all the Indians to New York and board them at the Hotel St. Nicholas. But Stevens's course was in reality statesmanlike. Although the Donation Act was to expire by limitation, December 1, 1855, there was still time for settlers to take up claims. Under this act Congress had authorized settlers to take claims before any attempt had been made to extinguish the Indian title. Moreover, Stevens, foreseeing the impending advance of the whites and, as chief advocate of the northern route for the Pacific railway, favoring settlement, believed that the reservation system was the only refuge for the Indians.¹⁷ At any rate these treaties were the first definite step under government sanction in preparation for white occupation of the Inland Empire.

The suspicions, regrets, and resentments aroused in the minds of the Indians by these treaties perhaps contributed to the outbreak of war. The chances of trouble of course were increased from the fact that the main passes from the Sound to the eastern country, as we have before mentioned, lay through the Yakima country. The Indians later, in extenuation of their course, claimed that the miners en route had violated their women; Stevens tried to verify this statement, but was unable to do so.¹⁸ All accounts claim that the miners were from a good class of citizens on the Sound. The first to be killed were Mattice and Fantjoy or Fanjoy, "both respectable men from the state of Maine." The attacks on separate individuals continued incessantly during September. It is to be noted that the exasperation on the part of the whites caused by such attacks lay not alone in lives actually lost, but also in making lines of travel so insecure as to hinder development of the country. The total number of men lost, however, was not inconsiderable to a small community; one newspaper on the Sound

¹⁶ For example, Wright to Wool, *Message and Documents*, 1856-7, p. 160.

¹⁷ For a statement of Steven's policy see *Rpt. Com. Ind. Aff.*, 1854, pp. 247-249.

¹⁸ *Message and Documents*, 1856-7. Wright to Wool, p. 152, May 30, 1856; 35 Cong. 1st Sess., App. 491.

counted up thirteen of the residents of the immediate vicinity who were known to have been slain and reported several others missing.¹⁹ Matters came to a climax when A. J. Bolon, agent for the Yakimas, was murdered by Qualchien, nephew of Kamiakin. Thereupon, Major J. G. Haller led a company of regulars into the Yakima country only to be driven out with considerable loss. At about the same time some of the Sound Indians took to the war path, and the war became general.

The details of the war of 1855—56, though stirring and interesting, may be found elsewhere.²⁰ A chronological resumé of the events directly concerning the interior country 1855—56 would include: the calling out of large numbers of volunteers both in Oregon and Washington in the fall of 1855; the expedition of Major Raines into the Yakima country; the daring return of Stevens from the Blackfoot council; a decisive engagement between Indians and Oregon volunteers in the Touchét valley in December; a surprise by the Indians at the Cascades in March of 1856; an expedition by Col. Wright into the Yakima country; a fight between Washington Volunteers and Indians in Grande Ronde valley; a second council by Governor Stevens at Walla Walla, and an attack by the Indians on himself and escort; and, finally, the establishment in the fall of 1856 of Ft. Walla Walla.

The policy of General Wool, who, as commander of the Department of the Pacific, was supreme military head in this war, is worthy of note, especially from the point of view of the mining history. Volunteers, called forth by the governors both of Washington and Oregon, took very active part in the campaigns, much to the disgust of General Wool. He claimed that the war had been precipitated by the treaties of Stevens, that the volunteers had entered it largely in order to plunder the Indians, and that citizen speculators had fostered it for the purpose of getting more money into the country from the Federal Government. In pursuance of his position towards the volunteers and the work of Stevens, he issued the following

¹⁹ *Olympia Pioneer and Democrat*, Oct. 19, 1855.

²⁰ Meaney, Edmund S., *History of the State of Washington*, pp. 176-202; Bancroft, H. H., *Works*, Vol. xxxi, pp. 108-200.

order: "No emigrants or other whites, except the Hudson Bay Company, or persons having ceded rights from the Indians, will be permitted to settle or remain in the Indian country, or on land not ceded by treaty, confirmed by the Senate and approved by the President of the United States.

"These orders are not, however, to apply to the miners engaged in collecting gold at the Colville mines. The miners will, however, be notified that should they interfere with the Indians, or their squaws, they will be punished or sent out of the country."²¹

This order is interesting from at least two points of view. In the first place, Wool regarded the interior country as a natural reserve for the Indians, who might there be separated from the whites on the Sound by the Cascade Range, "a most valuable wall of separation."²² In the second place, he excepted from his order the miners—the most immediate cause of trouble. Why did he make this exception? Certainly he had no special favoritism to show these men, for they were most likely to defeat the policy at which he aimed. From a legal point of view, the miners were at that time simply trespassers upon the public domain.²³ It may be surmised that the custom of the miners of unconscious trespassing and their claim of implied recognition to such right on the part of the United States, may have influenced this martinet to make the relaxation in their favor.

The attitude of the military, however, did stay further mining development south of the Line for a period. Since the Indians were unchastised and murderers such as Qualchien were not surrendered for trial, the hostility of the Indians was such as to make the interior country unsafe. In traveling through it, all parties had to exercise "Constant watchfulness and care;" so much so that it was unsafe for the passage of pack trains or for prospecting.²⁴

In several respects, however, this war helped to prepare for

²¹ 34th Cong. 3d Sess., Vol. I, pt. 2, p. 169.

²² See further on this point, *Life of Stevens*, Vol. II, p. 226.

²³ Blanchard and Weeks, *The Law of Miners, Minerals and Mining Water Rights*, p. 92; Davis, *Historical Sketch of Mining Law in California*, p. 213.

²⁴ R. H. Lansdale in *Report Com. Ind. Affairs* 1857, No. 154, p. 377.

later advance. The military operations in the upper country and the establishment of Ft. Walla Walla stimulated the development of transportation on the Columbia, and particularly so in efforts to overcome the difficulties at the Cascades and the Dalles. Moreover, the warrants of the war debt for the services of the volunteers, which, it was assumed, would be paid by the general government, circulated as an inflated medium of exchange and formed capital wherewith to promote enterprises of all sorts. A thoughtful observer writes: "Portland I think was quite slow and dull until this Indian war concentrated a good deal of business here. There were a good many operations and of course a large portion of this scrip was concentrated here. Traffic and the impetus to business given by it, was felt here."²⁵ The war claims amounted to no less than \$6,000,000, of which sum not quite half was finally paid. This formed a large addition of capital for the scanty populations of the Willamette and the Sound.²⁶

²⁵ Deady, *Hist. of the Progress of Oregon after 1845*, Ms., p. 37.

²⁶ A good statement concerning this war debt is found in the *Financial History of Oregon*, by F. G. Young, *Some Features of Oregon's Experience with the Financial Side of Her Indian Wars of the Territorial Period*, *Quar. of Oregon Hist. Soc.*, June 1907, Vol. VIII, No. 2, pp. 182-190.

CHAPTER II

THE RUSH TO FRASER RIVER

The magnificent domain now known as British Columbia in 1855 was all but untouched by civilization. Over it the Hudson's Bay Company was still paramount. The mainland they held by virtue of an exclusive license to trade, and Vancouver Island they owned as a colony by Parliamentary grant. The chief factor of the company, James Douglas, was also Governor of Vancouver Island. The principle post was Victoria, where a few houses clustered around the fort of the company. On the mainland the posts of chief interest to this history were: Ft. Langley on the south bank of the Fraser, twenty eight miles above the mouth; Ft. Hope sixty miles farther up, its sight a "lovely plateau, environed with lofty and shaggy mountains;" Ft. Yale, the extreme head of steamboat navigation on the lower River, twelve or fifteen miles above Ft. Hope; and Ft. Thompson, far in the interior on Thompson River.¹ Roads there were none, save the Hudson's Bay Company's brigade trail up the Fraser. The interior of the country, cut off by the cañons above Ft. Yale, was inconceivably remote, unknown, and inaccessible.

The more remote and inaccessible a country might be, however, the more alluring it often seemed to miners. Stimulated in part no doubt by the suggestions of Angus MacDonald, of Colville, gold seekers ranged northward from the Colville mines in the fall of 1855.² As example of one of these adventurers we may mention James Taylor, of Olympia, who with

¹ A clear map showing these posts is found in Bancroft, *Hist. Pac. States*, Vol. XXVII, p. 177.

² Indians, indeed, had been bringing into Kamloops small quantities of gold since 1852. De Groot, *British Columbia; its condition and prospects*, p. 4. ✕

a small party made his way by Naches pass to the Colville district and thence, in August, 1855, struck across the Okanogan country and penetrated as far as Thompson River.³ MacDonald wrote to Governor Douglas, on the first of March 1856, that gold had been found in considerable quantities on the Columbia within British territory, and that he believed that valuable deposits would be discovered; and this information Douglas transmitted to the Colonial Secretary.⁴ But the disposition of the Indians towards Americans in the summer of 1856 hindered further development for a time.⁵ The Indians themselves, however, did some work.⁶ The developments of 1857 are summarized by De Groot as follows: "During the summer and fall of 1857, a number of persons, being mostly adventurers from Oregon and Washington territories, of the Colville mines, together with a sprinkling of half breeds and Canadian French, formerly in the company's service, made their way into the country on the upper Fraser, where, prospecting in the neighborhood of the forks, they found several rich bars, on which they went to work, continuing operations with much success, until forced to leave from want of provisions on the approach of cold weather. Coming to Victoria, or returning whence they came, these men spread abroad the news of their good luck and laid the foundation for the excitement that soon after followed."⁷ Douglas, also, noted the excitement abroad, particularly in the American territory.⁸

By the latter part of March, 1858, the news from Fraser River was of such character as to produce a real furore on the Sound. On the twenty-second, the *Herald* at Steilacoom issued an extra in which it announced that miners on Fraser and Thompson Rivers were making from eight to fifty dollars per day, and that the Indians were friendly. Within a week mills were compelled to shut down from lack of laborers, and vessels were deserted. All the hands at the Bellingham coal mines

³ *Victoria Gazette*, July 10, 1858. ✕

⁴ Hazlitt, *Br. Col. & Van. Id.*, p. 128. ✕

⁵ Letter of Douglas, Oct. 24, 1856. *Id.*, p. 129.

⁶ Dec. 29, 1857. *Id.* p. 130.

⁷ De Groot, *British Columbia; Its Condition and Prospects*, p. 13.

⁸ Letter of Douglas, Dec. 29, 1857; Hazlitt, *Br. Col. and Van. Id.*, p. 130. ✕

quit work.⁹ Soldiers deserted. Around Victoria nearly all the floating populace left.¹⁰ The villages of the lower Sound stirred with new life: Port Townsend was "like a bee hive;" Whatcom took measures for cutting a trail from that place to intersect the Hudson Bay Company's Brigade Trail, and weeks of labor were consumed on this trail before it was found not feasible. As shiploads of miners from California came pouring into the various ports, many towns aspired to be the "San Francisco" of this northern movement. Whatcom and Sehome at first took the lead, and later Semiamoo, out near Point Roberts, attracted attention. In all these places throngs gathered, faro banks sprang up, and speculation in lots thrived; but finally the advantages of Victoria and the policy of Governor Douglas smothered these ambitious booms.

Meantime, there was in progress from California one of the most remarkable "rushes" in the history of mining movements.

Conditions in California at this time were favorable for a swift and great exodus of population to a promising field. The exportation of gold, which by 1853 had mounted to \$57,330,000, had fallen in 1857 to \$48,976,000.¹¹ Moreover, the conditions and methods of production were changing. At first it had been comparatively easy for men to find good claims which could be cheaply worked; or, if they were compelled to work temporarily for another, there was no sense of inferiority to the employer on the part of the laborers. But now, with the exhaustion of the surface placers, there was increasing necessity for the employment of capital on a large scale and of resort to corporate methods in order to work the deep diggings. In the attempt to engage in operations on a large scale many individuals had hazarded and lost previous gains and were now burdened by debt. Many small claims were yielding only very moderate returns in comparison to those of flush times, and new claims were to be found only after long, expensive, and uncertain prospecting. Men who had been accustomed to large returns and to independence became restive and dis-

⁹ *Puget Sound Herald*, Mar. 26, 1858.

¹⁰ *Letter of Douglas*, March 22, 1858; Cornwallis, *New Eldorado*, p. 255.

¹¹ *Mineral Resources*, 1867, p. 50.

couraged in working for less than "wages," but greatly resented being forced to work as employes. Consequently, many were eager for opportunities in a new country which might bring back the freedom, enthusiasm, and easy gains of the earlier time.¹²

A vehement belief spread through the mining counties that Fraser's River would repeat these earlier experiences. Miners, to be sure, were somewhat skeptical of new fields, because they had been badly mistaken in several disastrous excitements. But trusty delegates in this case reported back to some of the camps the richness of the new fields, and secret notes from former comrades often authenticated the reports of the newspapers. Moreover, there was a theory that farther north gold fields became richer (as had been the case in California), and that fine gold discovered in the lower parts of a river betokened great deposits farther up. The reports of the "flour gold" of the bars of the Fraser, therefore, brought conviction and enthusiasm.

Accordingly miners from the interior thronged all roads to Stockton and Sacramento, and at these places crowded into steamers for San Francisco. Some of the mining counties lost a third of their population; business was badly deranged and general bankruptcy was anticipated; claims that in March would have brought one thousand dollars would not bring one hundred dollars in June.¹³ Not only the miners who poured into San Francisco were intent on Fraser River, but many of the inhabitants of that city accompanied them northward. Common laborers, bricklayers, carpenters, printers, cabinet makers, merchants, gamblers, and speculators in real estate, as well as miners, crowded to three times their capacity vessels whose seaworthiness was often doubtful.¹⁴ Fares to Victoria were for the "nobs" \$60, for the "roughs," \$30. Steamboat owners of course made money rapidly. A careful estimate placed the number who went from California to Victoria dur-

¹² This paragraph is based upon an article by J. S. Hittell in *Overland Monthly*, May, 1869, Vol. II, pp. 413-417; Downie, Maj. Wm., *Hunting for Gold; De Groot, Br. Col; Its Condition and Prospects*.

¹³ Hittell, *Cariboo, Overland Monthly*, May, 1869.

¹⁴ "Times" correspondence, *Hazlitt, Br. Col. and Van. Id.*, p. 147.

ing the spring and early summer at twenty-three thousand, while probably eight thousand more proceeded overland.¹⁵

As ship after ship discharged its crowds at Victoria or at Esquimault (a fine harbor three miles from Victoria), a lively town sprang into existence around the staid Hudson's Bay quarters. Hundreds of tents occupied the picturesque slope, while more permanent dwellings and stores were swiftly put up. Speculation in lots was rife. A newspaper, the *Gazette*, was soon established. Crowds of miners continually coming and going, auctioneers shouting their wares, the calls of dray men,—all the bustle and stir of business,—recalled to many minds early days in San Francisco.

These miners at Victoria, however, were still far from the mining region. To get to it the Gulf of Georgia first had to be crossed, and then the Fraser ascended for a hundred miles and more. In the absence at first of adequate transportation, hundreds of the adventurous enthusiasts entrusted themselves to hastily made boats and canoes, in which they ventured to encounter the dangerous tides and currents of gulf and river. Later, steamboats ascended to Hope and Yale.

The first miners on the Fraser found rich and easy diggings. The gold occurred in the "bars" of the river.¹⁶ The lowest bar worked was Fargo bar, which was about fifteen miles above Ft. Langley.¹⁷ From there clear up above the cañons above Yale a succession of rich bars was uncovered, the richest district being in the vicinity of Ft. Yale. In this district on Hill's Bar the discoverer made six hundred dollars in sixteen days, and two other men took out two hundred and fifty dollars in a day and a half. From many points came reports of rich returns, and old Californians declared they had never seen such diggings.¹⁸ All along the Fraser were evidences of activity and industry, and the future seemed full of hope.

Meantime, steps had been taken to ensure law and order. In December, 1857, Douglas had issued a proclamation which assert-

¹⁵ Nugent's *Report*, Ex. Doc. 35th Cong. 2nd Sess., Vol. XII, No. 3, p. 26.

¹⁶ "Every mine over which a river extends when in its most flooded state." Gold Mine Regulations, Macfie, *Van. Id. and Br. Col.*, p. 532.

¹⁷ Mayne, *Br. Col. and Van. Id.*, p. 93.

¹⁸ "Times" correspondence. *Hazlett, Br. Col. and Van. Id.*, pp. 134-140.

ed that "all mines of gold. . . . whether on the lands of the Queen or of any of her Majesty's subjects, belong to the Crown", and required that a miner should take out a license before digging for gold.¹⁹ Douglas at first questioned whether it was a wise policy to admit without requiring an oath of allegiance, large numbers of "foreign population, whose sympathies may be decidedly anti British," and he issued a proclamation in May, 1858 which, to say the least, attempted sufficiently to safe-guard the interests of the Hudson's Bay Company.²⁰ This proclamation warned all persons from engaging in trade for Fraser River and from navigating boats thereon, except by license and sufferance of the Hudson's Bay Company. The sufferance, which cost six to twelve dollars per trip, was issued on condition that the vessel owner using it should transport only the goods of the Hudson's Bay Company; that he should import no powder nor utensils of war, except from the United Kingdom; that he would receive no passengers except such as had licenses to mine; and that he would not trade with the Indians.²¹

Douglas acknowledged that his authority to make this proclamation was questionable; but strongly claimed that the Hudson's Bay Company's right of exclusive trade with the Indians implied exclusive trade of all sorts.²²

But Her Majesty's Secretary of State for the Colonies instructed him that he should "oppose no obstacle whatever" to the entrance of foreigners and repudiated the claim of exclusive trade rights for the Hudson's Bay Company.²³ The rush of population to British Columbia, however, had decided the Imperial Government to terminate the license of exclusive trade with the Indians by which the mainland was held by the Company; and, on August 2, 1858, the act was passed by which the colony of British Columbia was established. The governor of the new

¹⁹ Cornwallis, *The New Eldorado*, p. 349.

²⁰ Despatch of Douglas, May 8, 1858. *Id.* p. 356.

²¹ *Letter of Stevens to Sec'y of State*, July 21, 1858, *Id.* 324-5.

²² Despatch of May 8, 1858. *Id.* 258-9; Rights of Hudson's Bay Company, *Id.* pp. 296-400.

²³ Despatch of Sir E. Bulwer Lytton, July 1, 1858. *Id.* 367. These restrictive measures of Douglas were called to the attention of the U. S. Federal authorities, who sent to Victoria as special agent, John Nugent. Nugent's report censures Douglas. 35th Cong., 2nd Sess., Vol. XII, No. 3.

colony was to have temporarily absolute power, subject to the Queen in Council.²⁴ Douglas was invited to become Governor on strict condition that he sever all connection with the Hudson's Bay Company, and he accepted.

With powers now plainly defined and old relations with the Company severed, Douglas turned resolutely to the formidable task before him. A gold commissioner and assistant gold commissioners were appointed; proclamations were issued having force of law for the regulation of the mines and the survey of lands; order was decisively kept; the great undertaking of providing routes of transportation into the interior was entered upon. Vigilance and energy were shown in all directions.

The establishment of government may have been made somewhat easier by a swift recession of the tide of population which had burst into the country. The miners, indeed, were confronted by a most disconcerting phenomenon. The first operations had been carried on in the spring and early summer, when the water was low; but high water in the Fraser comes with the melting of the snows in the mountains by the summer sun. The river has an enormous rise in the summer months; at Ft. Langley it is fourteen feet, and higher up much greater—at Pavillon, for example, it rose in 1859 eighteen feet in a single night.²⁵ Such a rise of course submerged most of the bars and stopped work. Some of the miners resolutely determined to wait for lower water; others, facing every danger and privation, prospected far into the interior; but the great majority, finding expenses heavy and prospects poor, returned to California—there to classify Fraser River as the most colossal of humbugs.²⁶

In spite of all these disappointments, however, the rush to Fraser River accomplished very important results. The rule of the Hudson's Bay Company west of the Rockies was ended; British Columbia with its outlook on the Pacific, had come into being; prospectors were pushing farther and farther into the interior toward Cariboo and Kootenay; an inter-oceanic railway

²⁴ For a copy of the Act, see Appendix to Cornwallis, pp. 317-322. Bill in final form, *British State Papers*, 1858-59, pp. 739-42.

²⁵ Mayne, *Br. Col. and Van. Id.*, p. 86.

²⁶ One gets some idea of the bitterness of feeling in regard to Fraser River from Angelo's *Idaho*.

on English soil was begining to be talked of and with it the federation of British North America.²⁷ England's participation in the life of the Pacific Coast was assured. "However we may regard the advent of England upon our shores" wrote a thoughtful Californian, "or whatever estimate we may set on the value of her possessions in this quarter, one thing is certain, we have now got to meet her on this side of the globe, as we have met her on the other, and encountering her enterprise and capital; her practical, patient industry and persistence of purpose, dispute with her for the trade of the East and the empire of the seas."²⁸

²⁷ Cornwallis, *New Eldorado*, Chapter VIII; Speech from the throne, 1858, Bancroft, *Hist. of Pac. States*, Vol. XXVII, p. 642.

²⁸ De Groot, *Br. Col.; Its Condition and Prospects*, p. 4.

CHAPTER III

PREPARATIONS FOR A DECISIVE ADVANCE OF THE FRONTIER

While the foundations of British Columbia were being laid in this rush of 1858, events were taking place south of the line which ended General Wool's peace policy, pacified the interior, and opened it to settlement.

It will be recalled that Wool had excepted miners when he had declared the upper country closed to settlement, and in spite of the hostility of the Indians and the apathy of the soldiery, some miners continued their work, especially in the vicinity of Colville. These felt the need of protection from the Indians and of some form of government for themselves. Accordingly, a meeting was held at Colville, Nov. 23rd., 1857, in the log store of F. Wolff. A petition was drawn up praying for the location of a company of soldiers in the valley, and a rude governmental organization was effected.¹

Influenced by this petition, by reports that two miners had been killed by the Indians, and by a desire to punish some Indian depredations on the stock at Ft. Walla Walla, Colonel Steptoe, in command at that fort, determined on a reconnaissance to Colville. The expedition, which started May 5, 1858, consisted of about 175 men—dragoons, mounted artillery men, packers, and Indian guides. Although they took along two howitzers, the equipment was poor, the troopers being armed with the old Yager rifles or with muskets, and the supply of ammunition being insufficient. The route was by the old Nez Percés trail to Red Wolf Crossing, just below the present city of Lewiston, Idaho, and thence northward towards the

¹ A full account of this meeting appeared in the *Portland Oregonian*, Jan. 30th, 1858.

Spokane. The northern Indians, particularly the Coeur d' Alenes and the Spokanes, already hostile in feeling because of friction with the miners and because of rumors of the construction of a new military road (the Mullan Road) through their country, desired to have the Snake river the boundary of the Indian country and wished no troops to come north of it; they were incensed, therefore, to a degree of which Steptoe had no conception, and the more because he, instead of marching directly to Colville by the accustomed trail, chose one far to the east which ran near much-valued camass grounds.²

The expedition had proceeded to the vicinity of Filleo Lake, some eighteen miles south of the present city of Spokane, when the way was blocked by Indians (mainly Coeur d' Alenes), and the whites turned aside and encamped by the lake. So hostile was the attitude of the Indians that Steptoe determined to retreat next morning. Soon after the retrograde movement began next morning (May 17), firing commenced and a running fight ensued for several miles. Steptoe finally made a stand on a hill overlooking the Tohotonimine (or Pine) Creek.³ Two commissioned officers and six men had been killed and eleven wounded, by the time the hill was reached. By nightfall only two rounds of ammunition were left to each man. The situation was indeed desperate, for Walla Walla, the nearest point of succor, was ninety miles away, and the Snake river intervened. A flight by night was determined upon. The dead were buried, the howitzers were dismantled, and the stores abandoned. The command rode all night and reached Snake River next day. There they were helped by the Nez Percés, and finally reached Walla Walla in safety.⁴

² Letter of Father Joset to Father Congiato, *Report of Sec'y. of War*, 1858, p. 355.

³ This hill adjoins the village of Rosalia, Wash.

⁴ Sources for the Steptoe expedition: *Report of Secretary of War for 1858: MS. of Father Joset* (In Nichols' *Indian Affairs*).

Accounts from survivors: Michael Kenney in *Spokane Spokesman-Review*, May 12, 1901; John O'Neill, *Id.*, April 2, 1906; Thomas J. Beall in *Lewiston Teller*, March 14, 1884. (See also, *A Pioneer Soldier of the Oregon Frontier*, in *Oregon Hist. Quarterly*, Sept., 1907.)

A secondary account is found in *History of the State of Washington*, by Edmund S. Meaney, pp. 212-214.

I am indebted for personal recollections of this affair and also of the Wright

This attack on regular soldiers made it evident to Gen. Clarke, who had succeeded Gen. Wool in command of the Department of the Pacific, that the Indians must no longer be dealt with in temporizing fashion. He at once began concentrating troops from all parts of the Pacific coast and planned an effective campaign. The command of the expedition against the Spokanes, Coeur d' Alenes, and allied tribes was given to Colonel George Wright, and a cooperating force was ordered to proceed into the Yakima country under command of Major R. S. Garnett.

Colonel Wright (afterwards General) both in this campaign of 1858 and later as commander of the Department of the Pacific in the troublous times of the Civil War, proved himself an officer of more than ordinary wisdom and usefulness. His appearance was not particularly martial, though dignified; for he was rather short in stature and corpulent in figure. His military operations were very carefully conducted, and he exacted from his soldiers strict discipline. In his dealings both with the soldiers and the natives he was stern, but very just. Unostentatious and not given to worry, he pursued his duty quietly and patiently, but at the same time with energy and promptitude.⁵

While Wright was collecting and drilling his forces at Walla Walla, several expeditions bound for Fraser River ventured into the hostile territory. The first of these companies to start was that headed by David Mc Laughlin, which set forth from Walla Walla early in July. A German who strayed from camp was promptly murdered by the Indians, and near the boundary line along the Okanogau River a fierce fight took place, in which three Californians were killed. As the company numbered one hundred and fifty men, however, it was able to push

expedition to Major Trimble, Mr. Beall, and to Mr. William Kohlauf. Mr. Beall went over the ground of the fight with me.

[Since the above was written there has appeared a careful work by B. F. Manring, entitled *The Conquest of the Coeur d' Alenes, Spokanes, and Palouses*. It contains much valuable source material both for the Steptoe and the Wright expeditions.]

⁵ This characterization of Wright is based on conversations with Major J. G. Trimble and on an editorial in *The San Francisco Daily Bulletin* of June 30th, 1864.

through. Other companies proceeded under Pearson, Steven's old express rider, and Joel Palmer, formerly superintendent of Indian affairs. Misfortunes beset the former, but the latter went through very successfully.⁶ The largest company probably was that headed by "Major" Mortimer Robertson, which left the Dalles the latter part of July.⁷ Most of the members were from California, but there were a number from Oregon and the "States". Among them were carpenters, blacksmiths, etc., ready, it was said, to build a city. They numbered 242 and were given a regular organization into six companies. This array reached the Fraser mines without trouble.⁸ These expeditions broke the way for an important overland commerce between Oregon and Washington, and British Columbia.⁹

Wright was ready to take the field the latter part of August. His force consisted of five hundred and seventy regulars, thirty friendly Nez Percés, and one hundred employes. A fort was constructed at the mouth of the Tucanon, and here Snake River was crossed. Thence the expedition struck northward, every precaution being taken to guard against surprise. The Indians were found concentrated at Four Lakes, sixteen miles southwest of the present city of Spokane.¹⁰ Here had come Yakimas, Spokanes, Coeur d' Alenes, Pend, d' Oreilles, and representatives of many other tribes. Kamiakin, himself, was present. As the troops moved to the attack on September first, they admired the dashing horsemanship and picturesque appearance of the "wild array" of the Indians.¹¹ The infantry opened the battle. The men were now armed with the new minie rifle, which carried farther than the Hudson Bay carbines of the Indians and the conditions of the Rosalia fight, therefore, were reversed; the Indians were dismayed to find their firing apparently of no effect on the soldiers, while that of

⁶ Bancroft, *Hist. of Pac. States*, Vol. XXVII, pp. 367-369.

⁷ Robertson had failed to get through in an earlier attempt. *Puget Sound Herald*, July 16, 1858.

⁸ *Weekly Oregonian*, Aug. 7th, 1858.

⁹ The most important element in this traffic was cattle and it is at this time that the cattle business of Oregon and of interior Washington begins to assume large proportions. (Conversation with Hon. C. B. Bagley.)

¹⁰ The battle took place near the present village of Medical Lake.

¹¹ See Kip's *Army Life on the Pacific*, pp. 55-56. Kip's account of the expedition is readable and reliable.

the latter was deadly. As the red men wavered, the day was decided by the dragoons, who, eager to avenge their former defeat, dashed upon the enemy. The Indians scattered in flight. Eighteen or twenty of them were killed and many wounded, while the whites lost none.

Five days later Wright marched for the Spokane River, fighting nearly all the way. The Indians burned the grass and fought from the cover of the smoke, but they were skillfully pressed back. Kamiakin, in the course of this skirmishing, was almost killed by being hit on the head by a large limb of a tree, which was torn off by a howitzer shell.

The spirit of the Indians was beginning to break under these defeats, and they were further cowed by an incident which occurred on Wright's march eastward along the Spokane River on his way to the Coeur d' Alene mission. He captured eight hundred horses, which the Indians hoped to regain by stampeding, but Wright encamped two days and killed the whole band. So, by the time the mission was reached and a council summoned, the Indians gathered in subdued mood. They agreed not to molest the whites any more and to give hostages for good behavior. On his way back, while encamped on Lahtoo Creek, Wright sent a detachment to the Steptoe battle field to bring the remains of those who had fallen there. Other proceedings at this camp changed the name of the creek from the beautiful softness of "Lahtoo" to the rough symbolism of "Hangman". To the camp one evening came Owhi, chief of the Yakimas, brother-in-law of Kamiakin. He acknowledged that his son Qualchien was near by. Now, Qualchien Wright particularly wanted to get hold of, for it was he that had slain Bolon, and he had been conspicuous the last summer in attacking miners. Owhi was put in irons and word sent to Qualchien that if he did not come to camp at once, his father would be hanged. Into camp, therefore, he came boldly, dressed so gorgeously as to make the soldiers stare. Wright's account makes no mention of the fierce struggles of Qualchien, when seized, nor of how he died cursing Kamiakin: the stern soldier wrote: "Qualchien came to me at 9 o'clock this morning and at 9.1/4 a. m. he was hung." The evening of the same day six Palouses met

the same fate. In the course of the expedition the total number of the hanged reached sixteen. Owhi, however did not meet that death, but was shot while attempting to escape on the way back to Walla Walla.

The stern measures of Wright, with the successful cooperation of Garnett in the Yakima country, brought permanent peace to the Indian country, except for the forays of the bandit tribes of Southern Idaho. These events of the summer of 1858, indeed, were very important in the history of the settlement of the Inland Empire, for they cleared the way for the advance of the frontier.¹² General Clarke at first had been in favor of Wool's policy of keeping settlers out; but the conduct of the Indians, in attacking the troops, the emigration through the country to British Columbia, and the knowledge that it would be impossible to stay the advance of the miners and of accompanying agricultural settlers, determined him to reverse Wool's policy and to recommend the confirmation of Steven's treaties.¹³ General Harney, who succeeded Clarke in October of 1858, issued an order reopening the Walla Walla valley to settlement, and in March of the next year the treaties of Stevens were ratified. The carrying out of the terms of these treaties in the founding of agencies, the payment of annuities, etc., of course helped to reconcile the Indians; while at the same time the establishment of new Ft. Colville in 1859 and the operations of the Boundary Commission, with its large escorts, completed a military cordon around them.¹⁴

¹² This Indian uprising seems intrinsically more important than the better known outbreak of Chief Joseph. The former was an effort to stay the white advance of like nature with the efforts of Pontiac, Tecumseh and Black Hawk; while the episode of Joseph was a desperate and unreasonable, though brilliant, outbreak against going on to the prescribed reservation, and is akin to such episodes as that of Geronimo.

¹³ 35th Cong., 2nd Sess. App., p. 206.

¹⁴ Kamiakin escaped over the Bitter Root Mountains and lingered among the Pend d'Oreilles. In the winter of 1858-9 Father De Smet was sent to try to induce him and some other chiefs to come in. He found the once wealthy chieftain and his family in pitiful poverty and misery. Kamiakin "made an open avowal of all he had done in his wars against the government, particularly in the attack on Colonel Steptoe and in the war with General Wright" * * * "But he repeatedly declared to me and with the greatest apparent earnestness, that he was no murderer." The worn Indian came with the priest nearly to Walla Walla and then vanished. He finally settled down on a farm on the shore of Rock Lake in Whitman county, Washington. There he spent his old

The Boundary Commission, consisting of both British and American representatives, began its work in 1857 and completed it in 1861. Their labors resulted in a clear definition of the Line of 49' through timber and over mountains from tidewater to the summit of the Rockies. The line was marked by frequent clearings, twenty feet or more in width and half a mile or more in length, the aggregate length of these clearings amounting to almost half the total distance.¹⁵ The plain marking of the boundary was useful to the government of British Columbia in the enforcement of its new tariff laws. Just at the time, therefore, when settlement was beginning in a region of essential physiographic wholeness, government drew sharp its artificial line.

The fixing of the boundary line on land was made difficult only by obstacles of nature, but the choice of the proper channel among the islands which lay off the mainland, produced the San Juan crisis of 1859.¹⁶ This grave incident gets its significance largely from the mining advance, in connection of course with the geographical situation. The island had a very strategic position, since it commanded the route from Victoria to the mouth of the Fraser. The settlers who precipitated the difficulty were mainly American miners, who, on their way back from the Fraser diggings, had "squatted" on the island.¹⁷ To the British Governor the possession of this strategic island by the Americans, especially since they already formed so large a proportion of the populace over which he ruled, seemed intolerable; on the other hand, to the United States British Columbia loomed on the Pacific as a rival, and possibly dangerous, power.

age. He died in the later seventies and was buried on a knoll above the lake. Kamiac Creek flows near his home, while a few miles eastward a long sinuous butte is still called Kamiac Butte. The foregoing account is based on De-Smet's report (*Sen. Doc.* 36th Cong., 1st Sess. Vol. II, No. 2. pp. 98-107.) and on conversations with pioneers who knew Kamiakin.

¹⁵ A realistic picture of the sort of opening cut may be seen in the frontispiece of Mayne's *Br. Col. and Van. Id.*; the basic account of the work of the commission is that by Baker, *Bull. U. S. Geol. Sur.*, No. 174.

¹⁶ Official documents for the San Juan affair are found in 36th Cong., 1st Sess., Vol. V., No. 10, pp. 1-75; also Douglas, *Correspondence Book*, MS. p. 22, Aug. 1859. The best secondary accounts are Meaney, *Washington*, pp. 240-254 and Bancroft's, *History of the Pacific States*, Vol. XXVII, pp. 605-639.

¹⁷ Gosnell, *Sir James Douglas*, p. 280; Meaney, *History of Washington*, p. 244.

In the light of this occurrence the building of the Mullan road assumes an important aspect. The years 1859 and 1860 assuredly were marked by attacks on the problems of transportation both north and south of the Line. The establishment of new posts in the latter region, the necessities of the new reservations, and the need of supplies for the Boundary Commission, as well as the incoming of miners and immigrants, called for better means of communication.¹⁸ But the possibility of war with Great Britain and the necessity in that event for a more expeditious and safer route for transportation of men and supplies to the northwest than by sea, constituted a strong motive in the War Department for furthering the new road.¹⁹

The plan of a road to connect the headwaters of the Columbia had been conceived by that empire builder, Stevens, who wished to open a northern route for emigration and to nourish sentiment in favor of a northern Pacific railway. He secured an appropriation from Congress of \$30,000 in 1855. Meanwhile, Lieutenant John Mullan, who had been left by Stevens in the Bitter Root Valley to continue explorations in that region, discovered the easy pass over the Rockies which bears his name. Mullan, an indefatigable and enthusiastic path breaker, had done more than any other man to explore thoroughly the tangled country between the Missouri and the Spokane, and, at the instance of Stevens, he was placed in charge of the construction of the road. Delayed by the Indian war of 1858, the road was pushed through in 1859 and 1860 and completed in 1862. Its total length was 624 miles and the cost of construction \$230,000. It was well constructed, substantial log bridges being built, rocky stretches blasted, and many miles of forest leveled. Before it was completed, a body of three hundred soldiers was brought west over it, and soon it began to be used by the miners.²⁰

The road itself, however, was only a part of a comprehensive plan which included testing and developing the navigation of

¹⁸ In the Department of Oregon there were 2158 U. S. troops in 1859, Sen. Doc. 36th Cong. 2nd Sess., Vol. II, No. 2, 610-11.

¹⁹ See report of Sec'y. Floyd, 36th Cong. 2nd Sess. Vol. II, No. 1, p. 687.

²⁰ Mullan, *Report on Military Road*, pp. 34-35. Wash. Gov't. Printing office, 1863.

the Missouri and of the Columbia. The house of Chouteau & Company of St. Louis, with some aid from the government, sent the first steamboat to Ft. Benton in 1859.²¹ The same year the *Colonel Wright* was launched on the Columbia, the first steamboat above The Dalles. In the previous fall Ruckel and Olmsted constructed a wooden tramway around the Cascades at a cost of \$114,000—one of the first steps toward the development of the Oregon Steam Navigation Company's system.²² Both the Missouri and Columbia river lines in a few years had an immense traffic in the transportation of miners and miners' supplies.

The great movement of the miners south of the line, however, was not to come until 1861. In the period 1858 to 1860 all that was here worthy of note in mining was a revival of interest in the Colville mines and recurring efforts on the Wenatchee. The towns of Puget Sound were particularly interested in the latter region, and they were so keenly hopeful that mines would be found in American territory so situated as to boom them, that they became excited at any news favorable to their hopes. In 1858 "highly important" news from the Wenatchee brought forth an extra of the *Steilacoom Herald*, and at Seattle rumors of the same sort in 1860 led to displaying of flags, firing of guns, and general rejoicing. Town lots for sale in the latter the day before at \$100 rose to "an almost unwarrantable price."²³ But the Wenatchee mines proved evanescent and the Sound country, except for settlers who eddied in from the Fraser River currents, made comparatively slow growth during the mining period.

There was, however, during 1859 and 1860 very considerable activity in the extension of the mining area in British Columbia. Nevertheless, these years, in comparison to the fevered efforts and ambitions of 1858, were on the whole dull, and are to be looked upon rather as a time of preparation for the future advance of the frontier than as a period of decisive

²¹ Account of this trip in *Contributions to Historical Society of Montana*, Vol. VII, pp. 253-6.

²² *Portland Advertiser*, Sept. 18, 1858.

²³ *San Francisco Daily Bulletin*, Sept. 26, 1860.

achievement. As preparatory to further advance, however, the extension of the mining area in British Columbia was not without significance and took place in two directions.

The first of these movements was up the Fraser to the region of the Quesnelle River. Some of the miners who stayed after the recession of the tide in 1858, continued work on the old bars of the Fraser, while others pushed far northward, a number striking eastward up the Thompson, but the main portion sticking to the Fraser. There were good diggings near Cayoosh or Lilloet and on Bridge Run, but the most promising territory was that of the remote Quesnelle, into which miners pressed in considerable numbers in 1859-60.²⁴ A detailed estimate by the *British Colonist* in the winter of 1859-60 of the population along the Fraser, on the Douglas-Lilloet route, and above Lilloet placed it at 1175, and this was largely increased the next summer, especially on the Quesnelle.²⁵ The distances to be travelled, however, were great, and the difficulties of transportation immense. No miners in America had yet faced such formidable obstacles as these who were now toiling toward the heart of British Columbia. Yields, while variable, were on the whole encouraging, but it was almost impossible to get supplies. In the spring of 1860 flour on the Quesnelle cost \$125 per barrel and bacon \$1.50 per pound. Tools were not to be had.²⁶ The arrival of packers from Oregon, however, in June (among them the indefatigable General Joel Palmer) relieved the situation and brought a reduction of 25-50 per cent.²⁷

The other important scene of mining activity in British Columbia at this period lay east of the Cascade mountains near the boundary, along the Similkameen River and Rock Creek. These diggings were first discovered by soldiers of the Boundary Commission in the fall of 1859, and high hopes were entertained of them.²⁸ Early in the following spring large numbers of men came from The Dalles, Walla Walla, the Sound, the

²⁴ A good account of this movement is to be found in Bancroft, pp. 447-461. *History of Pacific States*, Vol. XXVII.

²⁵ Quoted in *San Francisco Daily Bulletin*, Feb. 1st, 1860.

²⁶ *Id.* May 30th, 1860.

²⁷ *San Francisco Daily Bulletin*, June 13, 1860.

²⁸ Bancroft, *Works*, Vol. XXXI, *Wash. Id. and Mont.*, p. 232.

Willamette Valley, and from northern California. Heavy shipments of goods were made, 120 pack animals and horses leaving The Dalles in one day.²⁹ Two embryo towns sprang up, with the usual sprinkling of saloons, "hotels," and stores. A few men did very well, but the rich diggings did not prove extensive; the larger portion of the minors scattered to other fields, and this district proved not very valuable.

The great problem of the Government of British Columbia at this time, it can readily be seen, was to facilitate transportation to the remote regions to which the miners were penetrating, and this both for the sake of development of the regions themselves (with consequent revenue), and in order that Victoria might compete in trade with the Dalles and Portland. Remarkably effective aid to the government in the solution of this problem, and in other tasks as well, was furnished by a detachment of the Royal Engineers.³⁰

This corps was sent from England in 1858 by order of Sir. E. Bullwer Lytton, then Her Majesty's principal Secretary of State for the Colonies. It was under Lytton's guidance and care that the new colony came into being, and it may be interesting to note that the library which the Engineers took with them was selected by the author of "*The Last Days of Pompeii*." The detachment "was a picked body, selected out of a large number of volunteers for this service, and chosen with the view of having included in their ranks every trade, profession, and calling which might be useful in the circumstances of a colony springing so suddenly into existence. And although it is called a detachment of the Royal Engineers, there were four men in it who did not belong to the Royal Engineers at all—namely, two of the Royal Artillery and two of the 15th Hussars—included for the purpose of forming the nucleus of an artillery corps should the exigencies of the case so re-

²⁹ San Francisco *Daily Bulletin*, Feb. 18, 1860.

³⁰ Mention may be made here of the explorations made by Capt. Palliser under the auspices of the Royal Geographical Society. Palliser in 1859 went from Edmonton by way of Kootenai Pass to Ft. Colville. The object was to find a suitable pass for a railroad, but no such pass was then found. Beggs, *Hist. Br. C.*, p. 448; Bancroft, *His. Pac. States*, Vol. XXVII, p. 643; *Paper Relative to the Exploration by the Expedition under Captain Palliser (1858)*, and *Further Papers (1860)*.

quire.’³¹ In all there were about one hundred and sixty men, and they were under the command of Colonel R. C. Moody.

The first duty with which Colonel Moody was charged was the selection of a site for the capital of British Columbia. “On sanitary, on commercial, on military, and on political grounds” he chose a thickly wooded eminence on the north bank of the Fraser River. The town which began to grow in 1859 on this site was at first called Queensborough, but later was named New Westminster.

On two occasions the Engineers took part in strictly military movements. The first occasion occurred in connection with a jealous dispute between two magistrates at Yale and Hill’s Bar. Conspicuous in this dispute was Ned McGowan, who, as a resident of California, has been under the ban of the Vigilantes. At a distance the affair took the appearance of an uprising of the rougher Americans, and Douglas took instant steps for thorough suppression. Twenty-five of the Engineers and a force of marines, accompanied by Chief Justice Begbie, went to Yale. The trouble proved at close range a complete fiasco, serious only for the heavy cost to the colony for sending the troops; nevertheless it suggested the sort of treatment that would be given to disturbers of the Queen’s peace.³² Another occasion arose the next summer at the time of the San Juan affair when fifteen of the Engineers were ordered to the scene of trouble.

The great work of the corps, however, was in coping with the problem of transportation. The developments on the upper Fraser and the Quesnelle emphasized the necessity of some way for improving transportation to a point beyond the cañons of the lower Fraser. A route had been discovered in 1858 which proceeded by way of Harrison River and Lake and a chain of small lakes to Cayoosh on the Fraser. But there were considerable stretches of portage at various places on this route,

³¹ *The Work of the Royal Engineers in British Columbia*, by His Honour, Frederic W. Howay, p. 3. This is an excellent and elegantly executed monograph, which gives an interesting and reliable account of the work of the engineers. I am indebted to Richard Wolfenden, I. S. O., V. D., Printer to the King, for a copy. Colonel Wolfenden was, himself, a member of this detachment of the Engineers.

³² *Id.* p. 485.

which required the making of trails and roads. By the cooperation of Gov. Douglas and the miners a trail had been made in 1858. The Engineers deepened the channel of Harrison River and constructed a substantial road between Douglas and Little Lilloet Lake,—a “work of magnitude” wrote Douglas, “and of the utmost public utility.”³³ A trail was laid out by them, also, to Similkameen, afterwards widened out into a wagon road. Their monumental work, however, was done on the great trunk road from Yale to Cariboo, the most difficult portions of which were constructed by them. These sections were fairly carved from the great rock walls of the Fraser.

Besides their services in road building, the Engineers laid out all the important towns and made surveys of the public lands. Their work is thus summarized by Judge Howay:—“All the important explorations in the colony were performed by them; the whole peninsula between Burrard Inlet and Fraser River was surveyed by them; all the surveys of towns and country lands were made by them; all the main roads were laid out by them; some of these, including portions of the Cariboo Road, the Hope-Similkameen Road, the Douglas-Lilloet Road, and the North Road to Burrard Inlet were built by them; practically all the maps of the colony and of sections of it were made from their surveys, prepared in their drafting office, lithographed and published by them at their camp; they formed in 1862, the first building society in the colony; they designed the first churches (Holy Trinity Church and St. Mary’s Church, New Westminster) and the first school-house in the colony; they designed the first coat of arms and the first postage stamp in the colony; they established the first observatory, and to them we owe the first systematic meteorological observations in the colony, covering a period of three years; they formed the Lands and Works Department, the Government Printing Office, and printed the first British Columbia Gazette; they aided in the maintenance of law and order; and their commanding officer was the first Chief Commissioner of Lands and Works, as well as the first Lieutenant Governor.”³⁴ No such record of multi-

³³ *Id.* p. 7.

³⁴ *Id.* pp. 9 and 10.

farious activities can be assigned to any one body of men south of the line in preparation for or participation in the mining advance.³⁵

³⁵ The letters of Governor Douglas, it must be said in deference to historical impartiality, contain some adverse criticisms of the Engineers, though these may be due in part to what we in the United States would call differences of sectional leaders, Colonel Moody representing New Westminster and Gov. Douglas Victoria. See *Correspondence Book of Sir James Douglas*, MS., pp. 71-72.

CHAPTER IV

CARIBOO, KOOTENAI, AND THE UPPER COLUMBIA

I. CARIBOO

Notwithstanding the activity of the Engineers and the extension of the mining area to the Similkameen and the Quesnelle, the years 1859 and 1860 in the British Colony, as we have before remarked, in comparison with the excitement and activity of 1858 were years of dullness and discouragement. In Victoria business was poor, and the merchants regretted the departure of the California miners. The yield of gold, however, was considerable, amounting in 1859 to over a million and a half of dollars.¹ Yet there seemed danger of further decrease of population and even of the collapse of the Colony. Governor Douglas, on a visit to the upper country, in September of 1860, wrote from Cayoosh that "The fate of the Colony hangs at this moment upon a thread, abundance of the precious metal is the only thing that can save it from ruin."²

The abundance of the precious metal, which was permanently to establish British Columbia, came from one of the most remarkable gold fields in the whole history of mining—the Cariboo district. This district lay in the triangular area to the north of Quesnelle Lake and River, between them and the farthest bend northward of the Fraser. A good description of it has been left us by Lieutenant Palmer of the Royal Engineers: "Cariboo is closely packed with mountains of considerable altitude, singularly tumbled and irregular in character, and presenting steep and thickly wooded slopes. Here and there tremendous masses, whose summits are from 6000 to

¹ *Geological Survey of Canada*, 1887-88, Report, p. 23R.

² Douglas to Moody, *Correspondence Book*, MS. pp. 48-49.

7000 feet above the sea, tower above the general level, and form centres of radiation of subordinate ranges. This mountain system is drained by innumerable streams, of every size from large brooks to tiny rivulets . . . , which run in every imaginable direction of the compass.

“Of the Superior mountain passes—Mts. Snowshoe, Burdett, and Agnes, the latter is generally known as the ‘Bald Mountain of William’s Creek.’ (On these there was but a scanty growth of trees, and the tops were covered with grass.)

“The headwaters of the streams radiate in remarkable manner from these bald clusters. From Mt. Agnes a circle of one and one-half miles radius includes the sources of Williams, Lightning, Jack of Clubs, and Antler Creeks.”³ Three of these creeks—Williams, Lightning, and Antler—were the more important in the mining history of Cariboo. Their valleys, in common with those of other creeks were “generally narrow, rocky, thickly wooded, and frequently swampy.”

About the time that Gov. Douglas was writing his rather doleful letter from Cayoosh in the fall of 1860, the adventurous vanguard of the miners, having pushed up the north branch of the Quesnelle to Cariboo Lake and prospected the streams emptying into that lake from the north, crossed the divide into Antler Creek. Reports of marvellous finds made by these men came to the outer world during the winter. The next summer (1861) about 1500 men penetrated to this rich region, and these are estimated to have produced \$2,000,000.⁴ In this year Lightning and Williams Creeks were discovered and yielded fabulously.⁵ At Victoria in the fall gaping crowds followed miners to the banks as they carried fortunes in canvass sacks—fortunes which promised restoration of prosperity to the city.

The years 1862 and 1863 saw the flood tide in the history of Cariboo, although the mines there continued to yield largely for some years later. About 2500 men were at work in Cariboo

³ Palmer, Lieut. H. Spencer, *Williams Lake and Cariboo. Topographical Report.* Printed at Royal Engineers Press, New Westminster 1865, pp. 10-12.

⁴ Estimate of Dawson, *Geological Survey of Canada*, Rpt., 1887-88, p. 20R.

⁵ An excellent general account of Cariboo is that of Dawson, mentioned above. For details of discoveries, Bancroft, *His. of Pac. States*, Vol. XXVII, pp. 472-519, gives much valuable information, though not well organized.

in 1862 and 4000 in 1863. Most of these were laborers, who received at the ordinary rate \$10 per day, but who paid \$35 per week for board and for the privilege of sleeping on the floor of a cabin wrapped each in his own blanket. The rate of wages paid is proof of the extraordinary richness of the field. On Williams Creek there were at work in 1862 one hundred and sixty-nine "Companies" owning 727 claims. By the tenth of June, 1863, the number of claims was 3071. Two mining towns had arisen, Van Winkle on Lightning Creek and Richfield on Williams. Attention was being directed to quartz, and 50 claims were staked off on Snowshoe mountain in 1862. Capital was accumulated in large amounts at the mines and invested there.⁶

The yields were remarkable and can be verified better than in most camps. Of course the tales of individuals acquiring fortunes in a few months are many. For example we may cite the celebrated "Cariboo" Cameron, who went to the mines in the spring of 1862 fresh from Ontario and so unused to miners' life that men laughed at him for calling a claim a "lot." He had \$500 when he left Victoria in the spring of 1862; during the summer he made \$10,000 and acquired title to claims so valuable that he was able within a year to leave the colony with \$150,000.⁷ We are fortunate, however, in the case of the Cariboo mines, in having some official statements in regard to yields which are of very exceptional reliability and importance. These are found in reports from Mr. Peter O'Reilly, Gold Commissioner in Cariboo in 1862-63.⁸

⁶The sources of this account are summaries found in the *London Times*, Aug. 8 and 26, 1863.

⁷Cameron links up with some older British Columbia history. He was neighbor to Simon Fraser, the discoverer of Fraser River, and went to Cariboo at about the same time as John Fraser, a son of Simon. Cameron returned to his old neighborhood in Ontario and bought a large farm and a mill, but fortune had turned, and he lost his money. He returned to Cariboo, thinking again to wrest riches from the old gulches, but he failed, and lived on, haunting in a restless and impecunious old age various gold fields (as did Dietz, Stout, Comstock, and so many once fortunate miners), until at last he died and was buried at Barkerville. These details I have from Judge Frederic W. Howay and from Mr. Simon Fraser, a grandson of the explorer, now a resident of Fargo, N. D.

⁸The reports from the Assistant Gold Commissioners to Gov. Douglas from the various fields constitute perhaps the most reliable and satisfactory sources

Writing from Richfield, May 11, 1863, Mr. O'Reilly mentions that he has been able through the kindness of Messrs. Grier and Diller to get a "short statistical return of their respective Companies," but that the latter gentleman did not want his information published in the local papers. The returns are as follows:

"The Hard Curry Claim.

"Williams Creek.

"This claim was originally preempted on the 27th of September, 1861, by three shareholders, viz: J. P. Diller, Pennsylvania, Jas. Loring, Boston, and Hard Curry, Georgia, and is still held by them in three full shares of 100 feet each.

"During a period of 17 months from the time above mentioned no satisfactory results were obtained, the time being chiefly employed in prospecting the claim. Two shafts were sunk at an aggregate cost of \$7724. On the 18th of February 1863 the Company began to wash up, and from that time to the present the claim has steadily paid the following almost fabulous amounts to the fortunate share holders."

	Ounces.	Dollars.
Three days ending 21st Feb.....	295	\$4,720
Week " 28th ".....	236	3,776
Week " 7th Mar.....	1,327	21,232
Week " 14th ".....	475	7,600
Week " 21st ".....	1,785	28,560
Week " 28th ".....	753	12,043
Week " 4th April.....	1,62	28,192
Week " 11th ".....	2,744	43,904
Four weeks " 18th-29th April.....		
and " 5th-9th May.....	1,276	20,416
Total.....	10,653	\$170,448

"The total amount expended by the Company in working the claim from the 18th of February is \$26,748, which with a previous cost of \$7724 brings the total expenses to the 9th of May to \$34,472, this being deducted from the gross amount

for the history of the early period of British Columbia mining. For more extended comment on them see the Bibliography.

taken out leaves a net profit of \$135,976 or \$45,325 to each share." . . .

"The number of men employed was 21 and the depth reached was 60 feet. The lead is from 12 to 15 feet wide and the strata of gravel in which gold is found is 9 feet in depth."

At present only 90 feet out of the claim of 300 have been worked."

P. O'Reilly, Gold Commissioner."

"The Grier Claim

"Williams Creek

"The original company consisted of five share holders. viz: Daniel Grier, a native of Wales, John Fairburn, Scotland, Michael Gillam, Ireland, Capt. O'Rorke, Ireland, and John Wilson, Canada West, who recorded in May, 1861, 100 feet each.

"From May to August they prospected at a cost of \$3000 which included the purchase of sluices and all other material for working the claim. From August to the first week in October the net profits amounted to \$7000 to the share, at which time the claims remained unworked till the 24th of May 1862. From the 24th of May 1862 to the 24th of October the total amount taken out of the claim was..... \$100,111. The total expense during that period amounted to 28,366. Leaving as net profit a sum of 71,745. Or to each full interest a dividend of 14,349."

P. O'Reilly, Gold Commissioner."

On Nov. 27, 1863, Mr. O'Reilly summarized the results of the year in Cariboo as follows: "The number of men actually employed in the District of Cariboo north of Quesnelle River, may be set down as 4000.

"The gross amount of gold taken from the same district estimated from weekly returns obtained from claim owners on the spot, and also from personal knowledge may with safety be computed at \$3,904,000.

"The quantity of provisions sent to the upper country, ascertained from the collection of road Tolls is over 2000 tons.

"The above statistics may be relied upon as being as nearly accurate as it is possible to obtain them."

Some idea of the amount of business carried on with the Cariboo mines may be derived from a statement of Mr. Cox, who succeeded Mr. O'Reilly. He wrote, from Richfield Feb. 6th, 1864, that the stock of goods in merchants' hands was,

Flour	300,000 lbs.
Beans	55,000 "
Bacon	16,000 "
Sugar	35,000 "
Tea and Coffee	30,000 "
Fresh beef	10,000 "

When we recall that nearly all of these staples (except the last) had been transported from Victoria a distance about as great as from New York to Chicago and most of that distance over rough roads and trails, we get a glimpse of the tremendous energy employed in opening up this remote region.

The importance of the business of this region to Victoria is shown from the fact that in June of 1863 it was estimated that the indebtedness of British Columbia to Victoria was \$2,000,000 and that it was thought that 75 per cent. of the debt would be paid by September.⁹ When the devout Bishop of Columbia visited the upper country and noted the capital invested, the ravines bridged, and the rocks blasted, he wrote: "Mountains and mighty torrents inspire the heart with reverence for the works of God; but not less instructive of the Presence of our God are all these strivings and movements of men."¹⁰

Williams' Creek in these years, particularly during the mining season, was a place of concentrated activity. An Englishman has left us a description of the place as it impressed him.¹¹

⁹ London Times, Aug. 14, 1863.

¹⁰ Journal, 1862-3, p. 25.

¹¹ Johnson, R. Byron, *Very Far West Indeed*, pp. 113-116. A cursory reading of this work is likely to make one regard it as unreliable because the style is vivid and some of the adventures so exaggerated as to seem untrue. But discrimination should be made between such stories and the description of places and scenes. The latter are corroborated by maps and by comparison with such authorities as Mr. O'Reilly and the *Occasional Papers* of the Columbia Mission.

"Across the breadth of the little valley," he writes, "was a strange heterogeneous gathering of small flumes, carrying water to the different diggings and supported at various heights from the ground by props, windlasses at the mouths, water-wheels, bands of tailings (the refuse washed through the sluices) and miners' log huts.

"On the sides of the hills the primeval forests had been cleared for a short distance upwards, to provide timber for mining purposes, and logs for the huts. These abodes were more numerous on the hill sides than in the bottom of the valley, as being more safe from removal.

"The town comprised the ordinary series of rough wooden shanties, stores, restaurants, grog shops and gambling saloons; and on a little eminence, the official residence, tenanted by the Gold Commissioner and his assistants and one policeman, with the British flag permanently displayed in front of it, looked over the whole.

"In and out of this nest the human ants poured all day and night, for in wet-sinking the labour must be kept up without ceasing all through the twenty-four hours, Sundays included. It was a curious sight to look down the Creek at night, and see each shaft with its little fire, and its lantern, and the dim ghostly figures gliding about from darkness into light, like the demons at a Drury Lane pantomime. while an occasional hut was illuminated by some weary laborer returning from his nightly toil."

"The word here seemed to be *work*, and nothing else; only round the bar rooms and the gambling-tables were a few loafers and gamblers to be seen. Idling was too expensive luxury in a place where wages were from two to three pounds per day and flour sold at six shillings a pound.

"The mingling of the noises was as curious as that of objects. From the hills came the perpetual cracking and thudding of axes, intermingling with the crash of falling trees, and the grating undertone of the saws, as they fashioned the logs into

Such is the verisimilitude that Mr. Johnson either had actually visited the places described or had studied carefully about them. [I am later informed on reliable authority that Mr. Johnson did visit Cariboo.]

planks and boards. From the bottom of the valley rose the splashing and creaking of water wheels, the grating of shovels, the din of the blacksmith's hammer sharpening pick axes, and the shouts passed from the tops of the numerous shafts to the men below, as the emptied bucket was returned by the windlass."

The difficulties with which the miners of Cariboo had to contend were great. The climate, though not unhealthful, was disagreeable and at times caused serious loss and delay in mining operations. The winters were long and there were spells of intense cold, while the summer weather was variable, alternating between extremes of heat and cold. Perhaps the most unfortunate climatic feature was the incessant rains in the spring, which swept away dams, flumes, and water wheels and filled up shafts. Another difficulty arose from the geology of the country. The surface diggings served merely to attract the first discoverers; the real wealth of Cariboo lay in its deep diggings. The leads followed ancient river channels, and these were covered by the detritus of modern streams and displaced by glacial action. In consequence shafts forty to seventy feet deep had to be sunk and even then, after the expenditure of much money, there was no certainty of striking the lead. The Hard Curry Company, for example, sank their first shaft in the channel and on the lead, but the bed rock was found washed smooth; after drifting from the bottom of the shaft without success they abandoned it and sank another: it was later found that the first shaft was only ten feet from a spot where the Company afterwards took out 1224 ounces in a single day.¹² Moreover, water seeped into many shafts and could be removed only by rigging expensive pumps and windlasses. Laborers often had to work day after day in water and mud, sometimes without boots, because none could be had in camp to fit or the price was prohibitive. A man mourned greatly when he snagged a pair of boots that cost him seventeen dollars. O'Reilly reports the following prices on Aug. 15th, 1862:

¹² *Report of Peter O'Reilly, May 11, 1863.*

Flour	\$1.50	per lb.
Beans	1.50	" "
Beef	50-55c	" "
Tea	3.00	" "
Nails	3.00	" "
Picks and shovels	10.00	each
Lumber	22c	per foot

It is plain, therefore, that the Cariboo miners faced uncommonly severe obstacles arising from climate, geology, and scarcity of supplies. In order to meet these varied obstacles and to acquire the indispensable capital required, "Companies" were resorted to, and these became even more a marked feature of the industry of Cariboo than in other placer fields. The individual, once a camp was established, could do little except to labor for some one else or to prospect for new fields. *Some form of co-operative or organized effort is essential to the development of the mining industry, even in its simpler stages.*

All other difficulties were small, however, compared to those of transportation, and in large part dependent upon them. Not only was it necessary to transport supplies great distances into the interior, but to get them over the terrible country that lay between Quesnellemouth and Cariboo. "It is difficult to find language to express in adequate terms," writes Lieutenant Palmer, "the utter vileness of the trails of Cariboo, dreaded alike by all classes of travellers; slippery, precipitous ascents and descents, fallen logs, overhanging branches, roots, rocks, swamps, turbid pools and miles of deep mud."¹³ The Bishop of Columbia had to wade through bog to his knees going into Cariboo, and on reaching Williams Creek it seemed to him like camping on a swamp.¹⁴ It was a melancholy sight to see all along the trail the bodies of horses that had died from toil and poor feed. The absence of grass in the dense forests of the valleys was one of the greatest evils of the region, although there was good pasture on the summits of the hills. Horses

¹³ *Report, Williams Lake and Cariboo*, p. 13. See also *Diary of Journey to Williams Creek*, Cariboo, May 1863, Macfie, 224-229.

¹⁴ *Journal*, 1862-63, p. 37.

already worn by being away from the bunch grass of the Fraser terraces during a two or three days' journey came weakened to this last terrible stretch. Sometimes a drover would lose half his train after leaving the Quesnelle, and sometimes it was impossible to use animals at all. Then men plodded through the mud and scrambled over the logs with packs of fifty pounds or more on their backs.

Great efforts were made to better communications with Cariboo in the years 1862-3. Trails were built connecting Williams Creek with Van Winkle and the latter with Quesnellemouth.¹⁵ From Lytton to Quesnellemouth the routes followed were comparatively easy, since they were in part along the terraces of the Fraser. The portage roads on the route leading to Lytton from the lower Fraser via Harrison Lake were finished in 1863, and the great trunk wagon road to Lytton from Yale was constructed through the cañons of the Fraser about the same time. In places on this road the rocks were so precipitous that men worked suspended from the cliffs overhead. A suspension bridge was thrown across the Fraser, and navigation on that river of course expanded.¹⁶ In 1863 the steamer *Enterprise* was placed upon the smooth stretch of the upper Fraser to run between Soda Creek and Quesnellemouth. Parties of returning miners who were willing to take chances built boats at Quesnellemouth which held seventeen passengers, hired an expert steersman, and ran the cañons to Yale.¹⁷ On the lower Fraser there were ten steamers in 1863.

One of the accompaniments of this improvement in transportation and the development of the mining industry was the growth of agriculture along the roads. Farms were being brought into cultivation at various places between Lytton and Quesnelle. About Beaver Lake over a thousand acres were in crop in 1863, and along the Bonaparte River about 2000 acres were cultivated. It was thought that in a few years British

¹⁵ The cost of these trails was defrayed from the revenues of Cariboo. O'Reilly paid out \$25,300 for this purpose in 1863; Letter of O'Reilly Sept. 1st, 1863.

¹⁶ Resumé of these activities in Judge Howay's *Royal Engineers*, pp. 889.

¹⁷ Wm. Stout made seven of these perilous trips; *Reminiscences of Wm. Stout*, MS.

Columbia would produce sufficient cereals for its own consumption.¹⁸

Victoria of course shared in the prosperity of the interior. Substantial buildings of stone and brick replaced tents and wooden buildings. Once more crowds of veteran miners were to be seen on the streets; but with them mingled unseasoned newcomers from England, for a larger portion of the immigration of 1862-3 was from the mother country than in that of 1858. Many of these novices were in straits financially, and young men of good family might be seen at manual labor. Business improved steadily. Imports rose from \$2,020,000 in 1861 to \$3,866,000 in 1863.¹⁹ The combined revenues of Vancouver Island and British Columbia, which in 1859 were \$73,000 and in 1860 \$375,000, in 1863 were \$706,000.²⁰ A conservative estimate of the yields of gold in 1859 places it at \$1,615,000, and in 1863 at \$3,900,000.²¹

The discovery and development of the mines of Cariboo, we conclude, therefore, were of paramount importance in the early history of British Columbia.

II. KOOTENAI.

Just as Cariboo reached the zenith of its yield in the fall of 1863, came rumors of a new field in the far southeastern corner of British Columbia. The principal diggings were upon Wild Horse Creek, which flows into the Kootenai River about fifty miles north of the Boundary.

In the fall of 1863 a prospector from Colville, named James Manning, was at the Hudson's Bay Company's post on the Tobacco Plains, when a half-breed named Finley brought in about five hundred dollars worth of beautiful gold, which he had obtained from the creek now known as Finley's Creek. Manning spent the winter near Vermilion Pass and early in the spring started prospecting various creeks. In March he joined a party of twenty men who came in by the Bitter Root Valley

¹⁸ *London Times*, Aug. 26th, 1863.

¹⁹ Harvey, *Statistical Account of British Columbia*, p. 19.

²⁰ *Id.* p. 10.

²¹ *Geological Survey of Canada*, 1887-88, *Report*, p. 23 R.

route from East Bannock, Stinking Water, and Warrens.²² They immediately found good prospects on Wild Horse Creek and took up claims. By June there were upwards of five hundred men in the country, and in the middle of the summer, when the Assistant Gold Commissioner, John C. Haynes, arrived, there were one thousand men on Wild Horse Creek alone.

Haynes reported in August (1864) that ordinary claims were paying from \$20 to \$30 per day to the hand and mentioned ten companies whose average exceeded that. He issued twenty-two traders' licenses, twelve liquor licenses and over six hundred miners' certificates. In the month of August the revenues amounted to over eleven thousand dollars, of which more than one-half was derived from the customs duties.²³ In the fall there were fifty sluice companies at work, employing from five to twenty-five men each and taking out from \$300 to \$1000 per day. The gold was of the best grade, worth \$18 per ounce. A town had sprung up called Fisherville. The Colonial Secretary, A. N. Birch, on his return from a visit to Kootenai in October took with him seventy-five pounds of government gold and rejoiced to be the first to carry gold from the base of the Rockies to New Westminster.²⁴

It is significant of how the Kootenai mines were regarded in the spring of 1865 that Commissioner O'Reilly was sent there instead of to Cariboo, which had now begun to wane. In 1865, the banner year for these mines, there were from 1500 to 2000 men in the district. Fisherville, the principal town, contained 120 houses at the beginning of the season, but as the village was located on rich ground, two-thirds of it was washed away during the summer—a proceeding which caused many disputes between mine owners and house holders. Victoria Ditch, three miles long, carrying 2000 inches of water, and rendering workable 100 claims was completed at a cost of \$125,000. One

²² Lewiston *Golden Age*, June 4, 1864, in *San Francisco Daily Bulletin*, June 16, 1864.

²³ This account follows a narrative by Mr. Manning found among the reports of the Gold Commissioners. It is dated Sooyos Lake, July 16, 1864, and apparently is from Mr. Haynes. See also *Report of John C. Haynes*, Aug. 30th, 1864.

²⁴ *Report of the Colonial Secretary, A. N. Birch, to Governor Frederick Seymour*, Oct. 31, 1864, Macfie, 255-262, *Van Id. and Br. Col.*

shaft was sunk 90 feet. It was very difficult to estimate the amount produced in the district, because the miners would not tell their yields on account of the new export duty on gold, but it was the general opinion of miners and traders that about one million dollars was taken out. The gross revenue for the year was estimated at \$75,000. On Elk Creek about 200 men were at work. But the population of the whole district was reduced by repeated rushes to the Upper Columbia, Coeur d'Alene and the Blackfoot mines, particularly to the latter.²⁵

In 1866, consequently, Kootenai had clearly begun to decline. Only seven hundred men were at work on Wild Horse Creek, half of whom were Chinese. The latter had paid high prices for claims—from \$2000 to \$7000—and promptly met all engagements. There was considerable litigation, however, arising from the white men trying to take advantage of the Chinese.²⁶

The real importance of the Kootenai mines in the mining history of the Inland Empire arose from their location, they being remote from the commercial and governmental centres of the British Colonies and easily accessible from the territories to the south. Hope, the nearest village on the Fraser, by the round-about trail that was followed, was over five hundred miles distant, and part of the trail, that from Ft. Shephard to Wild Horse Creek, was so bad that, in 1864, one of the Hudson's Bay Company trains was fourteen days in making the trip from that post and lost six horses in doing so. Lewiston, on the contrary, was only 342 miles distant, Walla Walla 408, and Umatilla Landing 453.²⁷ Consequently, in spite of high tariff, improvement of the British trail, and eagerness of the Government to draw trade to Victoria, physiographic considerations prevailed, and nearly all the trade was with points south of the boundary.

A marked feature of the life in Kootenai was the submission of the miners to the lawful authorities. Here were a thousand

²⁵ *Reports* of Peter O'Reilly from Wild Horse Creek, May-Sept. 1865; also resumé made Jan. 11, 1866.

²⁶ *Report* of Mr. Gaggin, Aug. 18, 1866.

²⁷ *Report* of A. N. Birch, Macfie, *Van Id. & Br. Col.* 255-262.

or two of rough miners, all collected from the American territories at the time when Montana was going through vigilante throes; government was represented by a lone magistrate with two or three constables unsupported by any possibility of aid from the Fraser; and the district was close to the boundary line, a condition permitting easy escape for transgressors. And yet the testimony of the British officials is unanimous as to the orderliness of the miners. Even before the arrival of Mr. Haynes, the miners, as usual, had taken steps to form district laws, but on the coming of the magistrate they gave him hearty support. When Mr. Birch arrived, he found "the mining laws of the colony in full force, all customs' duties paid, no pistols to be seen, and everything as quiet and orderly as it could possibly be in the most civilized district of the colony."²⁸ Mr. O'Reilly arrested three Americans for bringing in and circulating counterfeit gold dust, but he wrote in review of the year: "It is gratifying to be able to state that not an instance of serious crime occurred during the past season, and this is perhaps the more remarkable if we take into consideration the class of men usually attracted to new gold fields and the close proximity of the Southern Boundary, affording at all times great facilities for escape from justice."²⁹

III. THE UPPER COLUMBIA

The reports concerning the mining districts on the Upper Columbia, which circulated in the fall of 1865, characterized these districts as "poor man's diggings"—i. e., diggings where the deposits were superficial and workable by individuals with small capital; whereas Cariboo and Kootenai were "deep diggings," necessitating companies and capital for digging shafts, pumping, draining, and drifting.³⁰ Mr. O'Reilly was assigned to the Upper Columbia districts in 1866. The main diggings were on French and McCullough's Creeks, branches of Gold

²⁸ *Report of A. N. Birch; id.*

²⁹ *Report*, June 29, 1865; *report*, Jan. 11, 1866. The only tax that the miners tried to escape was that of the export duty on gold, not one-fifth of which was paid. O'Reilly thought it ought to be repealed. Total returns \$6900. *Report of Jan. 11, 1866.*

³⁰ *Report of Mr. Moberly, Government Gazette*, Dec. 12, 1865.

Creek, which empties into the Columbia from the east, well up within the Big Bend. On arriving at Wilson's Landing in May, Mr. O'Reilly learned that a new steamer, the "49," had made its first trip from Ft. Shephard to Dalles Des Mort a few days before. The "49" proved an important factor in the transportation to this region.³¹ Proceeding to McCullough's Creek, the gold commissioner found there six or seven companies, who were hindered by deep snow. On French Creek more men were found; some sanguine, others dejectedly starting to retrace their steps to Cariboo, Kootenai or Blackfoot. In all about twelve hundred men had crossed at Wilson's Landing, and this furnished a rough index to the numbers of the miners. Prices were extremely high. On trying to hire a constable, O'Reilly discovered that the wages allowed by the Government for such work were 23 cents less per day than one meal would cost, viz., three dollars. The diggings proved difficult to work on account of water and boulders, and it was apparent these were not such "poor men's diggings" as had been reported. The miners combined, however, in a "spirited way" and four or five companies worked on a test shaft, using night shifts, but they were driven out by the water at 42 feet. Fresh pumps were rigged, however, and some good yields were reported. On McCullough's Creek, by this time, fifteen companies were making from eight to twenty dollars per day to the hand. The whole district was "perfectly quiet and free from outrage of any sort."³² The difficulties encountered, however, proved too great in proportion to the yield, and the district rapidly declined.

This movement to the Upper Columbia, insignificant compared to those to Kootenai, Cariboo, and the Fraser, may be regarded as closing the initial period of the mining industry in British Columbia. During this period, as we ought perhaps also to mention, small numbers of prospectors made their way to the far north into the Omineca district of the Skeena and Peace Rivers and to the Cassiar district of the Stickeen

³¹ Bancroft, *Hist. of Pac. States*, Vol. XXVII, p. 534. Bancroft gives a satisfactory account of this movement, pp. 530-538.

³² Reports of Mr. O'Reilly, May 11 to June 30, 1866.

River, and in 1871 there was considerable migration to these parts. However, the history of these movements does not lie within the range of the present study, since they may be regarded more properly as an introductory chapter to the history of mining on the Yukon.³³ The movements to Fraser River, Cariboo, and Kootenai, on the other hand, were clearly related to the movements south of the Line and were of typical and foundational importance.

³³ Account of the Omineca & Cassiar movements in Bancroft, *His. of Pac. States*, pp. 543-564. See also *Report on an Exploration in the Yukon District, N. W. T. and adjacent Northern Portion of British Columbia*, 1887; *Geol. Sur. of Canada*, No. 629.

CHAPTER V

THE MINING ADVANCE INTO IDAHO, EASTERN OREGON, AND MONTANA

Contemporaneously with the mining movements into British Columbia from 1860-66, similar occupation of new regions was proceeding in the territories to the south. The most important of these new localities were the Nez Percés and Salmon River districts in the northern part of what is now Idaho (then Washington Territory); John Day and Powder Rivers in eastern Oregon; Boise Basin and Owyhee in southern Idaho; and Deer Lodge, Bannack, Alder Gulch, and Last Chance Gulch in the present Montana. To get the location of these various districts clearly in mind not only will help in our historical survey of the movements by which these districts were occupied, but will also contribute to a better understanding of later chapters, in particular of the one on transportation.

The traveller who journeyed to the mines of the interior from the coast by the ordinary route—that by way of the Columbia—found the Columbia from the mouth of the Willamette for about forty-three miles upward a broad stream with ample depth for navigation. Then comes a gorge-like narrowing through which the river rushes with great velocity for four and one-half miles. This first obstruction constitutes the Cascades. For about forty-five miles above the Cascades there is another stretch of unimpeded navigation terminated by The Dalles and Celilo Falls. Here, “in the course of nine miles the river passes over falls and rapids and through contracted channels that completely block navigation. The fall in this distance is eighty-one feet”¹ From this point up the Colum-

¹ For this quotation and much of the data of this paragraph I am indebted to an excellent article by Professor Frederic G. Young in the *Annals of the American Academy of Political and Social Science*, Jan. 1908, pp. 189-202, on *Columbia River Improvement and the Pacific Northwest*. Quotation on p. 198.

bia 110 miles to its junction with the Snake and thence 146 miles to Lewiston there is no serious obstruction to navigation, though there are some formidable rapids.²

At Lewiston the cañon of the Snake takes an abrupt turn to the south, which general direction it keeps for about 200 miles, before proceeding again eastward. For about 125 miles of this southerly stretch, from the vicinity of Asotin, Washington, nearly to Weiser, Idaho, the river cañon is from 2000 to 6000 feet deep and in the vicinity of the Seven Devils Mountains assumes the grandest and most forbidding proportions. Above Weiser the depth of the cañon recedes to 200-700 feet, and the flow of the river is sufficiently gentle again to allow navigation. The rough stretch of the river just referred to and the Cascades-Dalles obstructions may be regarded as great steps in gaining the plateau regions.³

The mining districts of Idaho and eastern Oregon (with the exception of one far up on the John Day River, a tributary of the Columbia) were situated on the affluents of the Snake which enter it in the course of its northerly flow. The mines were not near the mouths of these affluents (which as they near the Snake partake of its cañon character), but at considerable distances up the streams. Taking first the rivers on the east side, we find farthest north the Clearwater, which empties into the Snake at Lewiston. Up the Clearwater a few miles beyond the mouth of the north fork enters from the north east Oro-Fino Creek. On this creek was the first mining district in Idaho, and in this district arose Oro-Fino and Pierce City, towns about 25 miles from the mouth of the river. A few miles above Pierce City was Rhodes Creek, famed for its richness. About sixty miles on a straight line southeast of Pierce City on the upper tributaries of the South Fork of the Clearwater was the Elk City district. The Oro-Fino and Elk City districts constituted the "Nez Percés Mines."⁴ The next great

² The Snake is barely navigable also for about sixty miles above Lewiston.

³ For description of the cañon of the Snake from Asotin to Weiser see Lindgren, Waldemar, *The Gold and Silver Veins of Silver City, De Lamar and other mining districts in Id.*, 56th Cong. 1st Sess. H. Doc. 20th An. Rpt. U. S. Geol. Sur. pt. 3, p. 78.

⁴ Maps and description of this region are found in *A Geological Reconnaissance across the Bitter Root Range and Clearwater Mountains*, by Waldemar Lindgren, U. S. Geol. Sur. Professional Paper No. 27.

tributary of the Snake to the South is the Salmon River, whose gorge, 4000 to 5000 feet deep, greatly interrupts communication between north and south Idaho. On the plateau a few miles north of the brink of the gorge, a little west of a straight line south from Pierce City and about 110 miles south east of Lewiston, were the Salmon River placers, in which Florence became the most important town. Twenty-seven miles southeast of Florence across the Salmon on the south side of the river were Warren's Diggings.⁵ The next large tributary to the south, the Payette, was not the scene of mining operations, but was of some importance because of agriculture. Not far above the Payette comes the Boise, the most famous of the rivers flowing into the Snake. Care should be taken to distinguish Boise City and Boise Basin. The latter, which was a celebrated mining locality, is on the headwaters of Moore's Creek and its branches, and is about twenty-five miles northeast of the present city of Boise. Southwest from the latter site and across the Snake were the Owyhee mines, on the upper part of Jordan Creek, which is a tributary of Owyhee river. The Owyhee bends in a broad bow from southwestern Idaho into Oregon and empties into the Snake from the western side. North of the mouth of the Owyhee on the western side of the Snake in Oregon come the Malheur, the Burnt, the Powder, and the Grande Ronde rivers. Of these the Powder River furnished the only mines of considerable importance, but the Grande Ronde became early noted for its fine farms.

From the consideration of the mining districts of the Snake, let us turn to the most important of the early mining localities in the region now embraced by Montana.

The first discoveries were made on Gold Creek, a branch of the Hell Gate River, which is a tributary of the Clark's Fork of the Columbia.⁶ But the placers here were not only of little importance, but more inaccessible from the southward than the great basin of the Jefferson Fork of the Missouri, where the most startling of the early developments occurred.

⁵ For description and maps see Lindgren, Waldemar, *The Gold and Silver Veins of Silver City and other Mining Districts in Idaho*, 20th An. Report U. S. Geol. Sur., pt. 3, p. 233 ff; Also Hailey, *His. of Idaho*, pp. 29-30.

⁶ Gold Creek is a few miles west of Garrison, Mont.

The Jefferson basin, about 150 miles long and 100 miles wide, is drained by three branches of the Jefferson, viz., the Big Hole, the Beaver Head, and the Stinking Water or Passamari. On Grasshopper Creek, a branch of the Beaverhead, were situated the Bannack mines. Southward on the east side of the Stinking Water (into which it drains) is the celebrated Alder Gulch. The mountains southward from the Jefferson Basin are remarkably rounded and the country has the appearance of rolling agricultural land.⁷ Hence it was easy for miners from Boise Basin to pass to Jefferson Basin, and the immigration from Pike's Peak and the East also found comparatively easy access. Below Three Forks, where the Jefferson, Madison, and Gallatin unite to form the Missouri, one of the largest creeks from the west is the Prickly Pear. A few miles from its mouth the Prickly Pear is joined by Last Chance Gulch, in which the city of Helena lies. Just above Helena the gulch branches into Oro Fino and Grizzly Gulches. From the heads of these gulches a low divide gives access to Nelson's Gulch, a branch of Ten Mile Creek. To Last Chance and the gulches in the vicinity came the last of the great formative rushes of the movement which we are studying.

Having now surveyed the geography of this movement south of 49°, we shall next consider the facts of the mining advance into these fields.

The discovery which initiated this movement came as a natural outcome of the pacification of the Indians by the campaigns of Garnett and Wright, the removal of the restrictions on settlement within the Inland Empire, the ratification of the treaties of 1855, and, most of all, the restless searchings of the miners from the Colville and Similkameen districts. The leading spirit in the discovery was Capt. E. D. Pierce, a prospector, who was somewhat acquainted with the Nez Percés country, and

⁷ "In crossing the Rocky Mountains we had plenty of grass, wood and water, and the most beautiful mountain country I ever saw,—it is more like rolling prairie land covered with grass, with scattered patches of timber, and but little bed rock in sight." Letter concerning a trip from Boise to Deer Lodge, Owyhee *Avalanche* Jan. 6, 1866. For description of Jefferson basin see also, *Report on Mineral Resources of the U. S.* 1868, 505-509.

who had mined on the Similkameen and at Yreka, Cal.⁸ A party of about a dozen men under the leadership of Pierce made a prospecting tour into the Clearwater country in the summer of 1860 and found rich prospects on Canal Gulch, a tributary of Oro-Fino Creek.⁹ On the return of the party to Walla Walla, there was hesitancy in organizing for further development, because of the opposing attitude of the Nez Percés Indians—although the eastern limits of their reservation were so vaguely defined by the treaty of 1855 as to make it uncertain whether the rich ground was within the reservation. But at length Sergeant I. C. Smith outfitted about sixty men and proceeded to Canal Gulch in November. These men spent the winter there engaged in mining, building cabins, and making sluices. Forty-one claims averaged during the winter 27 cents to the pan, and in March Smith made his way out on snowshoes with \$800 for his share. All through the winter letters had been sent out occasionally by the miners to their friends, and items from these were published in the papers of the Coast and of California.¹⁰ A swiftly accelerating stream of travel consequently, started in the spring of 1861 for the Columbia and the new mines. Thus, just as the Civil War was commencing in the East, a new era of development began in the far Northwest. Early in March four or five hundred men started from Walla Walla to the mines. The town was full of pack animals and not a pick, shovel, or gold pan could be bought.¹¹ By June the Portland papers were protesting against so many farmers leaving the Willamette, and by September such large numbers of men had left the mining district of California as to increase appreciably the price of labor.¹² Traffic on the Columbia grew

⁸ "The Colville gold excitement in 1858 [?] was one thing that led to the discovery of gold by Pierce on the Clearwater. They were prospecting the country all over for gold. The discovery on the Clearwater was really made by a party of Similkameen miners. Pierce had been up there. I believe Pierce was an old fur trapper. He had been among the Indians a number of years. He went up there from Yreka, Cal."—Ritz, Philip, *Settlement of the Great Northern Interior*, (MS) p. 20. See also Bancroft, *Wash. Id., and Mont.* p. 234.

⁹ Account of this trip in Goulder, *Reminiscences of a Pioneer*, pp. 201-2.

¹⁰ *San Francisco Daily Bulletin*, Aug. 20, 1860; Jan. 22, Feb. 12 & 28, Mar. 7 & 27, Apr. 19, 1861; *Portland Times* Nov. 21, 1860.

¹¹ *San Francisco Daily Bulletin*, Mar. 27, 1861.

¹² *Id.* July 18, 1861. See later, *Id.* Jan. 24, 1862:

swiftly. In May the Colonel Wright ran to the mouth of the Clearwater (and a little above), and two new steamers were being built. In June Lewiston sprang into existence at the junction of the Snake and the Clearwater, and from it long trains of pack animals departed daily.¹² G. C. Robbins, an observer of more than ordinary reliability, estimated in August that there were 2500 practical miners at work on Rhodes Creek, Oro Fino, Canal Gulch and French Creek, and that four or five thousand men were making a living some other way. Large amounts were being realized by various companies, particularly by Rhodes & Co.¹⁴ Pierce City and Oro Fino became busy mining towns. As the country filled up, prospecting parties set forth to the southward, and during the summer rich diggings were discovered on the South Fork of the Clearwater, where Elk City was started; and in September excitement intensified at the news of extraordinary prospects on Salmon River.¹⁵ In view of these wide developments the Portland papers began to look upon the mining movements in a different way than at first when they had disapproved of the departure of the Willamette farmers. "The facts in regard to the mineral riches there," said the *Oregonian* "which come to us from authentic sources, are absolutely bewildering;" and it predicted that there would follow "tremendous stampedes from California,—a flood of overland emigration,—a vastly increased business on the Columbia river,—the rapid advance of Portland in business, population and wealth,—and the profitable employment of the farmers of this valley."¹⁶ A better summary of that which actually came to pass could scarcely have been written.

The prospect of largely increased immigration to the mines, however, brought added responsibility to the Indian Department, for all the mines discovered up to 1862 proved to be within the limits of the Nez Percés Indian reservation.¹⁷ The treaty of 1855

¹² *Id.* July 3, 1861.

¹⁴ *Oregonian*, Aug. 31, 1861.

¹⁵ A good general account of these movements may be found in Bancroft, *Washington, Idaho and Montana*, pp. 234-245. For the Oro Fino region, in particular, one should not fail to read the very interesting and reliable pages of Goullder's *Reminiscences*.

¹⁶ *Oregonian*, Oct. 26, 1861.

¹⁷ Possibly some question as to the Salmon River mines.

had set apart an immense area bounded indefinitely by the upper part of the south fork of the Palouse River, Alpowa Creek, the Salmon River Mountains, and the spurs of the Bitter Roots.¹⁸ In the second clause of this treaty there was a stipulation that no white men, except employes of the Department, should reside on the reservation without permission of the tribe and of the superintendent and agent. It was so evident, however, in the spring of 1861 that a large rush of the miners was under way, that an agreement was made under this proviso, April 10, 1861, between the Nez Percés and the authorities of the Indian Department, as follows: that portion of the reservation "lying north of the Snake and Clearwater rivers, the south fork of the Clearwater and the trail from said south fork by the Weippe root ground, across the Bitter Root mountains, is hereby opened to the whites in common with the Indians for mining purposes, provided, however, that the root-grounds and agricultural tracts in said districts shall, in no case be taken or occupied by the whites;" but no white person, except employes, was to be permitted to reside upon or occupy any part of the reservation south of this line.¹⁹ Within a few weeks after the signing of the agreement, however, the arrival of steamboats made it clear that a town was needed south of the Clearwater, and Lewiston came into sudden and busy existence. A little earlier a party of fifty-two men left Oro Fino and penetrated into the unknown region of the South Fork.²⁰ Part of them were turned back by the incensed Indians, but the remainder discovered the Elk City district. The temper of the miners was illustrated at Oro Fino on the arrival of the detachment which had returned, when "A large and well armed party was at once organized at Oro Fino and will at all hazards prosecute their desired objects."²¹ In a little while the whole country south of the Clearwater was being overrun by miners, although little real injury was done to the Indians, because of the presence of Capt. A. J. Smith, with a detachment

¹⁸ Text of treaty in Keppler, C. J., *Indian Affairs, Laws and Treaties*, 57 Cong. 1st. sess. Sen. Doc. No. 452, Vol. 2, p. 528.

¹⁹ Text of this agreement in *Report of Commissioner of Indian Affairs*, 1862, pp. 430-31.

²⁰ Bancroft, *Washington, Idaho and Montana*, p. 240.

²¹ *San Francisco Daily Bulletin*, Aug. 7, 1861.

of U. S. dragoons.²² There was, however, great danger of hostilities breaking out, particularly as this last movement was into that portion of the country where a semi-hostile part of the Nez Percés had their homes. There were at this time three "parties" among the Nez Percés. The first under the shrewd and peace-loving Lawyer, lived in the vicinity of Lapwai and Lewiston. These had been most under missionary influence, knew something of the power of the whites, and were not averse to trading with them, but dreaded the effects of the sale of liquor. The second was found in the South Fork country and among the Mountains or Buffalo Indians, of whom the most important leaders were Joseph and Big Thunder. They were in general friendly to the whites, but dreaded intimacy with them as bringing degradation. The third party, hostile and suspicious, was composed of bands along the Salmon River, who were more or less in touch with the wild Snakes, and of whom Eagle of the Light, a pronounced enemy of the whites, was leader. A treaty which was made June 9, 1863, with the object of adjusting all difficulties, was not likely permanently to placate the last two factions, and its terms probably helped to bring on the outbreak under the younger Joseph; for they certainly left no room for Indian occupation of the Wallowa valley. Nine-tenths of the territory formerly guaranteed as a reservation was ceded, and the limits were so drawn as to exclude Lewiston, Oro Fino, Elk City, and Florence. The Indians were to receive as compensation \$262,500 in addition to the sums promised by the treaty of 1855. Hotels and stage stands were to be conducted only under license from the Indian agent, and the tolls from all ferries and bridges were to be for the benefit of the tribe.²³ As no new mines were discovered within the territory delimited in this treaty of 1863, the Indians were not further disturbed.²⁴

²² The situation is set forth in detail by Chas. Hutchins, Indian agent, in his report of June 30, 1862. *Rpt. of Commissioner of Indian Affairs*, 1862, pp. 422-27.

²³ Keppler, *Indian Affairs, Laws and Treaties*, 57 Cong. 1st Sess. Sen. Doc. No. 452, Vol. 2, p. 644ff. See also Bancroft, *Wash. Id. and Mont.* pp. 481-492.

²⁴ No account of this period would be complete without mention of Wm. Craig and Robert Newell. Both were very important factors in the relations between the Government and the Nez Percés. A Biography of Craig is given in Bancroft, *Wash. Id. and Mont.*, p. 106.

The pacification of the Indians by this treaty was made all the more necessary because of the extraordinary rush to the Salmon River district, the discovery of which, in the fall of 1861, we have referred to above.²⁵ Immediately on the receipt of the news of this discovery at Oro Fino and Pierce City a stampede took place of all the floating populace. By the sixth of October 140 claims had been taken, and astounding results were reported.²⁶ Two men took out \$300 in two days and two others \$800; the dirt ran as high as \$40 to the pan; men were making on an average \$100 per day and were writing to friends in Oregon and California to hasten to this new Eldorado, where a man could have a better chance than at any time since 1849.²⁷ Not only the richness of the new mines, but the fact that they proved the wide extent of the gold producing country, gave to them an advertisement which drew multitudes from the Coast and started large migration from Pike's Peak and the East. November first, 1861, it was estimated that 1500-2000 miners were in the district, most of them from the surrounding camps or from the Willamette.²⁸

Part of these, fortunately, withdrew before a late fall was followed by a winter of unexampled severity. The snow lasted from the 23rd of December until late in March. At Walla Walla for four weeks the thermometer ranged from freezing to 29° below, and at the Dalles 30° below was reported. It was thought that about five-sixths of the cattle in the Walla Walla Valley perished, and nearly all the sheep.²⁹ If such was the bitterness of the winter in the milder localities, one can imagine what the miners at Salmon River endured in their hastily constructed cabins and dug-outs at an altitude of 6,000 feet, the snow seven to ten feet deep, with insufficient provisions and all supplies cut off. Scurvy broke out, and there were men who never recovered from the experiences of that winter.³⁰ Hardships fell worst on

²⁵ *Supra*.—An interesting sketch of the career of Newell is furnished by Mr. T. C. Elliott in the *Oregon His. Quar.*, June, 1905.

²⁶ *San Francisco Daily Bulletin*, October 24, 1861.

²⁷ *Id.* October 14, 1861.

²⁸ *Washington Statesman*, Jan. 25, 1862.

²⁹ *San Francisco Daily Bulletin*, March 20, 1862.

³⁰ See Bancroft, Vol. XXXI, p. 253.

those who tried to travel, and from the Dalles to the Bitter Roots men fell victims to the frost.

But in spite of these dangers and the warnings of the newspapers, eager miners early in the spring thronged Portland and The Dalles, and five hundred of them started up the river at once on foot, many of these with only a few crackers, some cheese, and a blanket or two. As the spring advanced the numbers of the immigrants increased, and in May 3800 people departed from San Francisco for the northern mines. There were also large numbers from Utah, the States, and the Canadian provinces, the total being estimated by the *Bulletin* at 30,000.³¹ At Florence, on June 1, 1862, there were recorded on the town books 1319 claims, worked by about 4200 men.³²

A general view of this famous camp may be obtained from reports of two observers: "When on top of the mountain, which is distant some ten miles from Florence, you look eastward, and there, bounded by a high chain of snow-covered mountains, lies the basin known as Salmon River mines. It is a succession of rolling hills, none higher than 200 or 300 feet, hence the place is called a flat, having that appearance from the distance. This flat or basin resembles a gigantic inverted saucer. In or near the center lies the town of Florence."³³ Another, observing the camp from an elevated spot at a distance, thought when twilight came that he could see a thousand camp fires burning: "The sight was beautiful and I think was well calculated to give one an idea of an army in camp, dispersed over six or eight square miles of gravel."³⁴ In all the creeks of this basin, placer mining was feverishly prosecuted. The richest gulch was Baboon, and from this Weiser took out \$6,600 in one day.³⁵ But while there were many astounding finds the ground proved spotted and was

³¹ San Francisco *Daily Bulletin*, June 13, 1862.

³² Letter of E. R. Giddings, chief clerk of surveyor general's office, *Banker's Magazine* XVII: 879. At an election that summer 1430 votes were polled and this was not more than $\frac{1}{3}$ of the population; *Oregonian* July 21, 1862. The O. S. N. Co. carried on the Columbia in 1861, 10,500 passengers and in 1862 24,500. Statement of the Secretary, *Mineral Resources*, 1868, p. 579.

³³ The Dalles *Mountaineer*, May 26, 1862.

³⁴ San Francisco *Daily Bulletin*, Aug. 6, 1862. For a scientific description of this basin, see Lindgren, Waldemar, *Silver City, De Lamer and other mining districts in Idaho*, 20th An. Rpt. U. S. Geological Survey, pt. 3, H. Doc. pp. 232-235.

³⁵ Bancroft, *Works*, Vol. XXXI, p. 256.

soon exhausted. No mining camp flared up more suddenly or more intensely than Salmon River, nor flickered more quickly.

The reverse of this was true in Warren's Diggings, twenty-seven miles to the southeast across Salmon River, which were discovered early in the spring of 1862. Here the placers gave good yields for many years. Inasmuch as the large floating population of Florence, which contained many lazy and reckless men, did not cross the gorge of Salmon River, the settlement at Warren's, consisting mostly of old Californians, was distinguished for orderliness, industry, and thrift. Prices, of course at first were very high. An energetic woman, Mrs. Schultz, paid 75c per dozen for the first hair pins in the camp, but she more than recompensed herself for this by charging \$3.00 per meal for board. Still when her husband wanted a newspaper, he had to pay \$2.50 for a single copy. The camp grew steadily until there were 1500 men in the district in 1865, and then decreased to 500 in 1867.³⁶ Quartz discoveries brought some revival; but the quartz proved to be in chimneys, and not many men could be employed. At last, in 1872, the Chinamen were admitted, and much of the yield since then has come from them.³⁷

Of the total yield of these various mining districts of northern Idaho it is impossible to secure exact figures. An approximation is made by Lindgren up to 1900 as follows: Elk City, five to ten million dollars, Florence, fifteen to thirty million, and Warrens certainly in excess of fifteen million; and in comparison with these yields the production of the Oro Fino mines, it is safe to say, has been not less than ten millions. A conservative estimate, therefore, would place the total production of all the mines from their discovery to 1900 at about fifty million dollars, and of this probably thirty-five millions was produced before 1870.³⁸

³⁶ Hofen, Leo, *His. of Idaho County*, MS., p. 4.

³⁷ Of the authorities for Warren's Diggings, Hofen, *History of Idaho Co.* is best. Of the Bancroft MS. there are also Hutton's *Early Events in Northern Idaho*, Farnham's *Statement regarding Warren's and Florence*, and Mrs. Schultz's *Anecdotes*. See also Bancroft *Works*, Vol. XXXI, p. 258 and scattered but valuable notices in Hailey's *Idaho* and Goulder's *Reminiscences*. For physiography consult Lindgren, *Silver City*, etc. 20th Annual Rpt. U. S. Geol. Survey, Pt. 3.

³⁸ *Reconnaissance across the Bitter Roots*, U. S. Geol. Survey, Professional Papers, No. 27, p. 84; *Silver City*, etc. pp. 233 & 238.

For the mines of Eastern Oregon we have no such careful reports as those of Lindgren for Idaho. The eastern Oregon mines, indeed, seem scarcely to have received the attention that their importance in building up that part of the state warrants. While there were discoveries on Malheur and Burnt Rivers, the most important centers were Canyon City on Canyon Creek (a branch of John Day's River), and at Auburn on Powder River, about ten miles southwest of the present Baker City.

The placers on the John Day were discovered in November, 1861, by a party of thirty-two men from The Dalles. Fourteen of these started back to The Dalles, but all except two were killed by the Indians.³⁹ A very considerable immigration followed the next year, particularly from Washoe, and settlers soon began to take up farms in the beautiful and fertile valley of the John Day.⁴⁰ Miners went to work vigorously making dams and rigging pumps, and Portland capitalists became interested.⁴¹ In 1865 twenty-two thousand dollars per week was produced during the mining season, and in 1866 Carmany thought that the John Day mines had produced \$1,500,000.⁴²

The Powder River mines, also, were discovered in the fall of 1861. In June, 1862, Auburn was laid out and for a few months grew rapidly.⁴³ It soon had forty stores and saloons, five hundred houses, and by winter a population estimated at 3000.⁴⁴ In the dozen gulches of the district men were in June making from five to thirty dollars per day.⁴⁵ A valuable quartz lead, the Rocky Fellow, was soon discovered. Two executions occurred, one in legal form, another—that of a Spanish gambler—by the mob.⁴⁶ Settlers began taking up lands along Powder River and many immigrants or "Pilgrims" came in from the East, so that at one time there were 150 women in camp. But in 1863 the immigrants began to turn to the beautiful Grande

³⁹ *Overland Press*, March 17, 1862.

⁴⁰ *San Francisco Daily Bulletin*, Aug. 1, 1862.

⁴¹ *Id.* Sept. 9, 1863.

⁴² *Mineral Resources*, 1870, p. 224; Carmany, John H., *Review of Mining Interests of the Pacific Coast for 1866*, p. 9.

⁴³ An account of the beginnings in this locality is given by Mr. W. H. Packwood in *Mineral Resources*, 1871, pp. 179-80.

⁴⁴ *San Francisco Daily Bulletin*, December 2, 1862.

⁴⁵ *Id.* July 1, 1862.

⁴⁶ *Id.* December 15, 1862; also *Oregonian*, October 4, 1862.

Ronde valley and helped to build up La Grande, and the miners, finding that the water supply was inadequate, flocked away to Boise Basin and to other camps, and decline rapidly set in.

An interesting political development occurred, however, in 1862, when the people in the vicinity of Auburn, not being content with being an election precinct of Wasco County, organized a new county and named it *Baker* (after the famous senator of that name), elected a full set of county officers, and chose J. M. Kirkpatrick to represent them in the next legislature.⁴⁷ But the legislature temporarily refused its sanction.⁴⁸ It is significant of the growth of Eastern Oregon that in the presidential vote of 1864 the counties east of the Cascades polled 4455 votes out of a total for the State of 18,350. The political proclivities of the majority of the residents are indicated from the fact that while the state went for Lincoln by 1431 votes, McClellan carried the eastern counties by 287 votes.⁴⁹

Auburn was a "mother of mining camps" whence prospecting parties explored in all directions.⁵⁰ The most important of these parties was that which, under the leadership of George Grimes and Moses Splawn, late in the summer of 1862 discovered the placers on Grimes' Creek in Boise Basin. The journey thither was most venturesome—the swift Snake had to be crossed, and the prowling Indians of the vast plains of the upper Snake knew no peace. Grimes himself was killed by the Indians just after the uncovering of rich prospects. We catch a glimpse from one of their number of the feelings of this little band of eleven men alone in the great wilderness far from their friends at Auburn and from the soldiers at Walla Walla: He writes simply, "We * * * carried Grimes to a prospect hole and buried him amid deep silence. He was our comrade, and we had endured hardships and dangers together and we knew not whose turn would come next."⁵¹ They escaped in safety to Walla Walla, however, and in October were back in the Basin. During the winter other creeks besides Grimes' were found to pay, and

⁴⁷ *San Francisco Daily Bulletin*, June 24, 1862.

⁴⁸ *Id.* October 4, 1862.

⁴⁹ Presidential vote in Oregon. *Id.* January 2, 1865.

⁵⁰ The phrase is Packwood's, *Mineral Resources*, 1871, p. 180.

⁵¹ Splawn, in Hailey's *Idaho*, p. 42.

in the spring came a rush of unusual interest and importance. By 1864 there was a population in the Basin approximately of 16,000, one-half of whom were engaged in mining; the other half, were occupied as "merchants, lumbermen, hotel and restaurant keepers, butchers, blacksmiths, saloon-keepers, gamblers, theatrical people, lawyers, ministers, ranchers, stockmen, and transportation companies."⁵²

Not only were the mines of Boise Basin very rich and easily worked (producing at least seventeen million dollars in the first four years) but also they were so situated as to encourage home-making and the upbuilding of a permanent community; although at first, it is true, most of the people, as in all placer mining communities, were intent only on making some money and getting away.⁵³ One reason why this region soon took on an air of permanency was that the climate of the Boise mines is much less severe than that of Florence or of Cariboo, and so towns with stable interests soon sprang up within the Basin, the largest of which was Idaho City. In the second place, a fine location for an important trading center was only a few miles distant in the Boise Valley, where Boise City was founded in the summer of 1863 and Ft. Boise established the same year.⁵⁴ The town was beautifully laid out, with wide streets, and its first promoters were exceptionally enterprising and far-sighted men. It grew rapidly into the leading city of the new Idaho Territory and became the permanent capital. A third reason for the permanent character of the southern Idaho community is found in the proximity to the mines of the fine and fertile valleys of the Payette and of the Boise, which were soon taken up by settlers. Again, the fact that this community was on the well-used Oregon trail helped to bring in a larger proportion of families; and this proportion was increased by a large migration of families from Missouri, which came to escape the pressure of war conditions.

⁵² Halley's *Idaho*, p. 170.

⁵³ Lindgren, Waldemar, *The Mining Districts of the Idaho Basin and the Boise Ridge*, 18th An. Rpt. U. S. Geol. Sur. pt. 111, p. 655. He estimates the total production of the Boise Basin to 1896 at \$44,651,800, of which \$4,000,000 was quartz.

⁵⁴ Accounts of these beginnings are found in Bristol's *Idaho Nomenclature* (MS) and in Halley's *Idaho*, pp. 88-90. An important expedition against Indians is narrated in the latter, pp. 49-60.

In Boise Basin alone there were in 1865, 799 persons under twenty-one years of age of whom 278 were girls, and 197 were children under four years of age.⁵⁵ In the last place, quartz discoveries were soon made in near-by localities, and their development called for capital and abiding population. The principal quartz districts were at Quartzburg, on the edge of the Basin, at Rocky Bar on the south Boise, and, most important of all, in the Owyhee region, southwest from Boise City, across the Snake.⁵⁶

The party which initiated the Owyhee movement, leaving Boise in May of 1863, discovered promising placer diggings on a tributary of the Owyhee, which was named after the leader of the party Jordan Creek.⁵⁷ When the news of the discovery reached Boise, hundreds of men rushed off so distractedly for the new diggings that one correspondent facetiously reported a "special forty-eight-hour insanity for Owyhee" to have devel-

⁵⁵ Report of J. A. Chittenden, Territorial Superintendent of Schools, *Owyhee Avalanche*, Sept. 28, 1865.

⁵⁶ The principal sources for the history of Boise Basin, Boise City, and vicinity are the following:—

1. The Bancroft MSS. furnish:

Branstetter, J. H., *First Discovery of Boise Basin*. (With this should be read Splawn's account in Hailey's *Idaho*, pp. 36-44).

Bristol, Sherlock, *Idaho Nomenclature*. This is of special value for the history of the beginnings of Boise City.

Coghanour, David, *Boise Basin*. Coghanour was an example of a thrifty, saving man.

Butler J. S., *Life and Times in Idaho*. (With this compare Butler's chapter in Hailey's *Idaho*, pp. 183-187).

Knapp, Henry H., Statement of Events in Idaho.

McConnell, W. J., *Idaho Inferno*.

Angelo's *Idaho* is a pamphlet, which, after a diatribe against Governor Douglas of British Columbia, narrates interestingly the observations of a newspaper correspondent's visit to Idaho in 1863.

2. Important newspaper sources, after the establishment of papers, are:

The Boise Weekly Statesman.

The Idaho World.

The Owyhee Avalanche.

3. Books:

Bowles, Samuel, *Our New West*, pp. 486-487.

Richardson, Albert D., *Our New States & Territories*, 1866, pp. 78-79.

Richardson, Albert D., *Beyond the Mississippi*, p. 501.

Rustling, James F., *The Great West and the Pacific Coast*, pp. 223 & 225.

Bancroft, Vol. XXXI, *Washington, Idaho and Montana*.

Mineral Resources of the U. S., 1868, Report of J. Ross Browne, pp. 512-521.

Hailey, John, *The History of Idaho*. Contains important source material.

⁵⁷ There is a resumé of the history of Owyhee in the *Avalanche*, Aug. 19, 1865.

oped.⁵⁸ The placers on Jordan Creek proved fairly productive and were worked vigorously for about two years. But the gold was of poor quality, being worth only ten to twelve dollars per ounce, and the development of the rich quartz lodes soon dwarfed the placer mining.

The first discoveries of quartz were made in July 1863. The richest section was on War Eagle Mountain. This mountain is at the head of a gulch tributary to Jordan Creek, and its summit, 5,000 feet above sea level, stands out 2,000 feet above the mining towns on the creek below.⁵⁹ On this mountain one hundred claims were "claimed, staked and recorded," in some of which gold predominated, in others silver.⁶⁰ The history of one of the veins of War Eagle Mountain deserves special consideration. This vein was first discovered in 1865 and was known as the Hays and Ray. Other parties discovered a vein (or a part of the Hays & Ray vein) which crossed the latter, the two being in form somewhat like the letter X. The later discoverers called their vein The Poorman, the name being chosen possibly to win sympathy for themselves.⁶¹ They opened their vein exactly at the spot where it crossed the Hays & Ray, at which point there proved to be a chimney of ore marvelously rich. It ran 60 per cent. bullion, and the Poorman people took out of it \$250,000 in two weeks.⁶² The latter party "seeing that they would become involved in litigation, associated their company with some capitalists connected with The Oregon Steam Navigation Company, and about the same time or shortly before erected a fort at their mine called "Ft. Baker", built of logs, with portholes and other means of defense usual in such cases. The Hays & Ray had their work [i. e. of tracing connection with the Poorman vein] so nearly completed that they could commence suit, but could not give the necessary bonds."⁶³ They therefore gave a portion of

⁵⁸ San Francisco *Daily Bulletin*, July 17, 1863.

⁵⁹ A clear sketch map of the Owyhee district is in Bancroft's *Works*, Vol. XXXI, p. 417.

⁶⁰ Richardson, *Our New States and Territories*, p. 78.

⁶¹ Conversation with Hon. W. J. McConnell.

⁶² Richardson, *Beyond the Mississippi*, p. 509.

⁶³ *Mineral Resources*, 1868, p. 523. Geo. C. Robbins was the intermediary in bringing in the New York parties and "Put" Bradford the S. N. Co. capitalists. Malze, *Early Events in Idaho*, p. 7.

their interest to the New York and Owyhee Company, which guaranteed to carry the case to decision. But before trial a compromise was arrived at by which the New York and Owyhee party got the larger share. This mine in three months subsequent to the consolidation produced in net proceeds from quartz reduced in local mills \$390,000. In addition fifteen tons of selected ore were sent to a smelter in Newark, New Jersey, and the bullion product ran \$4,000 per ton.⁶⁴

The special interest of these proceedings to us lies in the clearness of the call from this newly born and remote mining community to outside capital and to science. Previous to this controversy, mills had been erected by both groups of capital, the Ainsworth and the New York and Owyhee. The latter cost \$120,000, had twenty stamps, and was under the management (in 1869) of Mr. John M. Adams, one of the first graduates of the Columbia University School of Mines.⁶⁵ The Owyhee district contained in 1866 ten mills with one hundred and two stamps. The transportation of these mills into the wilderness (300 miles of the route being by wagons from the Columbia at an average freight expense of 25c per pound) is a tribute both to American enterprise and the richness of the mines. But eastern capital was in some cases recklessly squandered, particularly through incompetent management.⁶⁶ Capitalists, it was becoming clear, must summon the aid of science and must secure more thoroughly organized control over investments in these remote regions.

A community based on the quartz phase of the mining industry naturally had more elements of permanency than one founded on the floating riches of placer gravels. Three towns along Jordan Creek came into existence progressively towards the quartz leads, culminating in Silver City. Here a Sunday school was started by the citizens, a union church was erected, and a newspaper established. Here also lived J. A. Chittenden, who was earnest in trying to start schools in the new territory and who became the first territorial superintendent of public instruction. The solid character of the development of Owyhee attracted the

⁶⁴ Report of W. D. Walbridge, *Mineral Resources*, 1868, p. 524.

⁶⁵ *Mining and Scientific Press*, Vol. XII, p. 279.

⁶⁶ Richardson, *Beyond the Mississippi*, pp. 510-11; also, *Mining & Scientific Press*, Vol. XIII, p. 343.

attention of the *Mining and Scientific Press* of San Francisco, which represented the growing stability of the mining industry upon the Coast. In its *Review* for the year 1864, it said, "Perhaps the most noticeable mining development of the past year, upon this coast, has been that of Idaho."⁶⁷ Again, speaking especially of Owyhee: "There is very good reason for believing that Idaho is destined to become a most important and permanent mining region. Thus far operations there have been conducted upon a sound basis, with very little of the speculative feature, so characteristic of new mining localities."⁶⁸

We turn, now, to trace the advance of the miners to the headwaters of the Clarke's Fork of the Columbia and to the sources of the Missouri, into territory afterwards included in Montana. The discovery of gold in this region was due to two streams of development: that of the "Mountain men" and that of immigrants to the Salmon River mines.

The Deer Lodge Valley, on the upper waters of Clarke's Fork, had long been frequented by "mountain men" and trappers, some of whom traded during the summer far to the south with the immigrants on the great trails, and in winter continued their business with the Indians in the northern valleys. So early as 1852 a Red River half-breed by the name of Benetsee had found float gold on Gold Creek. More important was the arrival in Beaverhead valley of James and Granville Stuart in the fall of 1857. These were miners of high character who had left California for a visit to their old home in Iowa, but, hindered by the Mormon war of 1857, they had turned north with the mountaineers. Having found on this trip fair prospects at Gold Creek, they returned in the winter of 1860-61. They were disappointed in not getting supplies at Ft. Benton, and had to send to Walla Walla for picks and shovels. In May of 1862, they commenced operations, but with indifferent success.⁶⁹

Soon parties began to arrive whose aim was to get to the Sal-

⁶⁷ Vol. X, p. 8.

⁶⁸ June 3rd, 1865. To the authorities for Owyhee should be added Lindgren, Waldemar, *The gold and silver veins of Silver City, De Lamar and other mining districts in Idaho*, 20th Ann. Rpt. U. S. Geol. Sur., Pt. 3, 1900, p. 233 ff.

⁶⁹ This account is taken from the *Life of James Stuart* by Granville Stuart, *Cont. His. Soc. Mont.*, Vol. 1, pp. 36-61.

mon River mines. Some of these immigrants came up the Missouri by boat to Ft. Benton and from there started by the Mullan Road for the Salmon River fields; others came with the Fiske overland expedition across the plains from Minnesota to Ft. Benton; still other parties from Pike's Peak⁷⁰ and Missouri, diverging from the great emigrant trail, tried to reach the center of excitement by cutting across to Salmon River, but were compelled to turn north towards Deer Lodge Valley and the Mullan Road. Explorations, of course, were taking place in all directions by these various parties, and a number of promising "diggings" were discovered.⁷¹ Of these the most important was situated on Willard, or Grasshopper Creek, an affluent of the Missouri.

It was in August of 1862 that the first bar was discovered on this creek by John White, and towards this locality thereafter converged parties from various directions. Thus the first important mining camp in Montana started. A miner's district was organized, and a town of log huts came into existence with the name of East Bannack. The yields were good. One "pilgrim" panned out ten dollars one morning and got fifteen dollars more in the afternoon with a rocker—big wages for a man from the States. Two took out \$131 in a week.⁷² A fine quartz lode, the Dacotah, was discovered in December, and a rude mill was built that winter.⁷³ There are preserved the names of 410 persons who spent the winter of 1862-3 in Bannack City and vicinity, Dakota Territory, and of these thirty-three were women.⁷⁴

From Bannack there proceeded in February, a prospecting party which discovered placers completely eclipsing those hitherto discovered in Montana. It was through mere chance that the discovery was made, for these prospectors, starting as part of an expedition to the Yellowstone, had failed to make connec-

⁷⁰ In the phraseology of the miners "Colorado" was seldom used, but the region was spoken of as Pike's Peak, and people from that region were "Pike's Peakers."

⁷¹ These explorations were sketched by Granville Stuart, *Contr. His. Society Mont.*, Vol. II. p. 123; see also Bradley Mss., Bk. 3, p. 281.

⁷² *Diary of J. H. Morley, MS.*, Sept. 15 and Oct. 4, 1862.

⁷³ W. A. Clark in *Contr. His. Soc. Mont.*, Vol. II, p. 51; also *Mineral Resources*, 1868, p. 468.

⁷⁴ *Contr. Hist. Soc. Mont.*, Vol. I, pp. 334-354.

tions with the other part of the expedition, and, after a toilsome journey ending in being plundered by Indians, had been forced to turn back. On the way back they prospected in a gulch which one of the party named Alder, and the returns were most promising. We get a glimpse of the diverse nativity of the miners from the records of these discoverers. The party consisted of the following:

Bill Fairweather, native of New Brunswick, 'St. John's River,
Mike Sweeney, native of Frederickstown, St. John's River.

Barney Hughes, native of Ireland.

Harry Rodgers, native of St. John's, Newfoundland.

Tom Cover, native of Ohio.

Henry Edgar, native of Scotland.⁷⁵

Some of these men had been mining at Salmon River, and at least one in British Columbia.⁷⁶

They found here a gold field richer than any they had worked in, for Alder Gulch produced in three years thirty millions of dollars.⁷⁷ It was populated swiftly. The principal town was Virginia City, which soon became a thriving municipality with substantial buildings, a newspaper, churches and schools, as well as hurdy-gurdys, saloons, and theatres. The columns of its first paper, *The Post*, give us a vivid picture of the town, as it chronicles the hosts of incoming "pilgrims," a fireman's procession of two companies with gay uniforms, a poster warning against the use of deadly weapons, and the building of water works. In one issue a prize fight is announced whereat no weapons are to be allowed in the enclosure; in another a notice is inserted that Professor Dimsdale's school will open on Idaho St., behind Mr. Lomax's Corral, "where all branches included in the curriculum of the best seminaries will be taught for \$1.75 per week, and strictest attention will be given to the morals and deportment of the pupils."⁷⁸ The population of Madison County, in which Alder Gulch was situated was in 1864, 11,493.⁷⁹

The comments of an intelligent miner give us a view of the

⁷⁵ *Journal of Henry Edgar, Con. His. Soc. Mont.*, Vol. III, p. 141.

⁷⁶ *Contr. His. Soc. Mont.*, Vol. VII, 197.

⁷⁷ *Mineral Resources*, 1868, p. 507.

⁷⁸ *Post*, Sept 17 & 23, 1864.

⁷⁹ *Post*, Oct. 8, 1864.

Gulch as it appeared to him while out for a walk in November of 1863. "It surprises me to see how rapidly this country improves. First, two miles below here is Virginia City, a thriving village with many business houses; then one mile farther down is Central City, not quite so large; then in another mile you enter Nevada, as large as Virginia; then about a mile and one-half further Junction City. The road connecting all these 'cities' is bordered with dwellings, on both sides all along. * * * Recalling that only eighteen months ago this was a 'howling wilderness,' etc.,—truly truth is more wonderful than fiction and excels in marvelousness even the Arabian Nights, but truth and the marvelous go hand in hand when Young America finds a good gold gulch."⁸⁰

It was in September of 1864 that a party of Georgian miners, prominent among whom was John Cowan, began regular mining operations at Last Chance Gulch. Other parties followed, particularly from Minnesota. A village sprang up in the Gulch at first called "Crab Town" and soon after Helena.⁸¹ This village was a natural center for many rich gulches which were opened up back of it,—such as Oro Fino, Grizzly, and Nelson's—and besides was well situated for trade between Ft. Benton and the mining localities farther west. Quartz was soon discovered, and in December of 1864 the celebrated Whitlatch Union vein was struck, the total yield of which up to 1876 was estimated at \$3,000,000.⁸² Placer mining also yielded largely in all the gulches, but was hindered by scarcity of water. One nugget of solid gold was accidentally thrown out by a sluice fork, which was valued at over \$2,000.⁸³ A newspaper, *The Radiator*, was transferred from Lewiston, Idaho, to Helena in 1865.⁸⁴ Virginia City was gradually displaced as first in population and importance.

In three years the economic and social foundations of Montana were laid. A review of some of the salient facts and tendencies of the founding of the new community are brought out in a

⁸⁰ *Diary of J. H. Morley*, MS., Nov. 12, 1863.

⁸¹ *Diary of Gilbert Benedict*, MS., Oct. 8 & 14, 1864.

⁸² W. A. Clark in *Contr. His. Soc. Mont.*, Vol. II, p. 51.

⁸³ Cornelius Hedges in *Contr. His. Soc. Mont.*, Vol. II, p. 112.

⁸⁴ *Owyhee Avalanche*, Nov. 4, 1865.

thoughtful address by Hon. W. F. Sanders, himself a leader and founder. His subject was "The Pioneers": "From far away Oregon, through solemn forests, by the Pend d' Oreille Lake, by the Mullan Road, by the Nez Percés Trail, by the Boise Basin, they [the Pioneers] journeyed to the hidden springs of the Missouri and Columbia. From the golden shores of shining California with appetites whetted by the pursuit of this patrician industry, they crossed forbidden deserts and over trackless wastes to the newly discovered Treasure House of the Nation. From recently occupied Colorado, by the Cache Le Poudre, by the Laramies, by Bitter Creek, they came to the Shining Mountains, finding a promising field for mining activity. From all the states bordering on the Great River that we give to the valley which is the Nation's heart, came an onrushing tide of eager, confident immigrants as they swept up the Platte across the mountains and over the Lander Road and Snake River or down the Big Horn to the famed Beaver Head country. Another contribution of sturdy men and women daunted at no obstacle and intent on conquest over forbidden difficulties came from distant Minnesota by Forts Totten, Abercrombie and Union north of the Missouri River and first located in this valley. * * * Brought face to face with each other they [these peoples] were confronted with the newness of the land, with ignorance of its geography, topography, resources, climate and above and beyond all with the fact that they were strangers each to the others. In coming hither they outran law. They found here no pre-extinct civilization. In the raw they brought it with them, and its secure planting was at first an awkward and imperious duty. Opinions clashed. There was no tribunal to settle differences; they had to be argued out to ultimate results without artificial or extraneous aid. Unique characters with strange and sometimes unknown history and weird experiences abounded. Social life and economic life boiled. Industry was a tumultuous struggle, the turmoil was active and the process of unification was slow. No houses, no highways, no fences, no titles; verily, the world was all before them where to choose."⁸⁵

⁸⁵ *Contr. His. Soc. Mont.*, Vol. IV, 122-148.

Their choice was in part guided by information derived from white "waifs of civilization," who had identified themselves with the Indians. There were also "discards of civilization," the highwaymen and free booters, not romantic creatures, but "ugly facts of flesh and blood."

"Events in those early times, profoundly affecting our situation here moved swiftly. The creation of the new Territory of Montana, the establishment of governmental mails July 1, 1864, with its consequent regular stage transportation from Salt Lake City, the installation of governmental officers, the election and action of our first legislative assembly, the construction of a telegraphic line, the permission of the government to have newspapers transmitted in the mails, the building of the Union Pacific Railroad, were events which deeply affected the material and social interests of these communities."

Conditions similar to those of Montana existed in the other regions populated by the mining advance. Because of this advance which we have surveyed in the preceding chapters, as we have seen, a new British colony was formed, and there came into being two new American territories. The act forming the territory of Idaho was approved March 3rd, 1863, and that forming Montana May 26, 1864.

In the following chapters I shall next attempt to discuss special economic and social phases of the mining advance, particularly keeping in view comparisons between British Columbia and the American territories.

PART II

ECONOMIC ASPECTS OF THE MINING ADVANCE

CHAPTER VI

METHODS OF PRODUCTION AND ORGANIZATION OF
INDUSTRY

In the development of a gold field from its first discovery by prospecting up to the complicated methods of extraction of quartz, cooperation is necessary. I mention this important point in the beginning of this discussion, because it is basic in the consideration of the industry and of society founded upon this industry, and because in common conception the individualism of placer mining and society is often greatly exaggerated. The "lone prospector" in the period we are considering was largely a myth.

Prospecting was carried on, as a general thing, in small organized parties, consisting of five or six up to perhaps fifty men.¹ Careful preparations were made, particularly with respect to providing horses, food, arms, and mining utensils. The latter would consist of picks, shovels, and always "pans"—vessels of iron or tin six or eight inches deep and a foot or more in diameter at the bottom, useful not only in "panning out" gold, but also for mixing bread. These companies were composed of experienced miners, generally "Californians." Immigrants from Missouri, Minnesota, the "States," or England did comparatively little prospecting. It is interesting to notice, however, the presence of Georgians in Cariboo, Alder Gulch, and at Last Chance.² For weeks and months an expedition might range over hundreds of miles of mountains, valleys and cañons, studying the geology of the country, prospecting wherever indications were good, and

¹ In later times often only two men might go prospecting, when danger from Indians was lessened. Remarks of Judge W. Y. Pemberton.

² The gold mines of Georgia do not seem to have had the attention which their importance warrants in the mining history of the United States.

once in a while fighting Indians. Often failure resulted, but sometimes came one of the most thrilling and exhilarating experiences in the whole gamut of human endeavor, when the "color" was found, and the scales assured two dollars and forty cents per pan—twelve dollars and thirty cents from three pans—one hundred and fifty dollars for a single day's work!³

When diggings affording such prospects were discovered, the next step was to stake claims. One should not think of a placer claim as approaching in size an agricultural claim. Conceive a gulch (such as Grizzly, back of Helena) nine miles long, the flat portion one hundred or more feet wide between hilly or mountainous sides. Claims in such a gulch would generally extend from hill to hill and be in width one hundred feet. The claims were numbered up and down the gulch from the "Discovery" claim. Discoverers were entitled to one claim by pre-emption and one by discovery. Later comers were entitled only to a preemption claim. As a general thing a man could purchase in addition one claim, but sometimes, when a camp was quite thoroughly worked, more than one. If the flat was wide, claims would be from 100 feet square to 250 feet square, dependent on the district laws. The British Columbia code allowed only 100 feet square, while in the American territories there seems to have been a tendency to expand the size of the claims.⁴ A man could hold claims such as the above in more than one district, and besides he could hold claims on different kinds of placer ground. The claims on Alder Gulch were bar and creek; in British Columbia there were bar, creek or ravine, and hill claims.⁵

³ These are actual figures from Alder Gulch. "A more happy lot of boys it would be hard to find, though covered with seedy clothes."—*Journal of Henry Edgar, Contr. His. Soc. Mont., Vol. III, p. 139.*

⁴ Governor Douglas at first required very small claims, in dry diggings 25 by 30 ft. unless otherwise established by a by-law; but the regular size was later 100 feet square. See *Rules and Regulations for the Working of Gold Mines, Issued in Conformity with the Gold Fields Act, 1859*; also Park, Joseph, a *Practical View of the Mining Laws of British Columbia* (1864), pp. 13 & 14. See also as to decided tendency to larger claims in American territory, Angelo's *Idaho*, pp. 25-6. Claims at Oro Fino were held 150 feet front by 250 feet across the stream, *San Francisco Daily Bulletin*, Aug. 2, 1861.

⁵ *Original agreement* of Wm. Fairweather, et al., with other prospectors. MS; Park, Joseph, *Practical View of Mining Laws of British Columbia*. The latter defines bar diggings as "that portion of the banks of a river over which the river

It should be carefully noticed here that the plan of a mining camp corresponded more nearly to that of a town than to that of a country district. While the camps themselves were scattered and isolated, within each camp the structure was comparatively concentrated. Hence, again, we see that combination, co-operation, and organization are basic factors in mining life. Having staked their claims, the discoverers of new fields from lack of supplies or fear of the natives were generally compelled to return to some camp or trading centre. There the news invariably leaked out (a man surely must tell his friends, for whom he had already probably staked out claims), and a local rush ensued. Day laborers, who constituted four-fifths of the population of mining-camps, late-comers, who came in crowds into every large camp, and claim-owners who were not making top-notch figures would drop every employment, put up every dollar for outfit (or go without), and plunge for the new diggings. The great *desideratum* was to be the first on the ground. Merchants and packers, also, would press forward their trains eagerly, for the man who got a well-laden train into a new mining community would make a good-sized fortune.

A vivid picture of the fever of a rush is furnished from Oro Fino when the news of the Salmon River diggings reached the town: "On Friday morning last, when the news of the new diggings had been promulgated, the store of Miner and Arnold was literally besieged. As the news radiated—and it was not long in spreading—picks and shovels were thrown down, claims deserted and turn your eye where you would, you would see droves of people coming in 'hot haste' to town, some packing one thing on their backs and some another, all intent on scaling the mountains through frost and snow, and taking up a claim in the new El Dorado. In the town there was a perfect jam—a mass of human infatuation, jostling, shoving and elbowing each other, whilst the question, 'Did you hear the news about Salmon River?', 'Are you going to Salmon River?', 'Have you got a

in its most flooded state extends"; a creek claim as "a parcel of ground taken up on the alluvial banks, or flats, which lie on each side of a river or stream"; and hill claims as "situated on the side or rise of the hills or banks which run along the side of the creek."—pp. 13-14.

Cayuse?', 'How much grub are you going to take?', etc., were put to one another, whilst the most exaggerated statements were made relative to the claims already taken up. . . . Cayuse horses that the day before would have sold for about \$25 sold readily now for \$50 to \$75, and some went as high as \$100. Flour, bacon, beans, tea, coffee, sugar, frying pans, coffee pots and mining utensils, etc., were instantly in demand. The stores were thronged to excess. Pack trains were employed, and the amount of merchandise that has been packed off from this town to the Salmon river diggings since yesterday morning is really astonishing.'⁶

When an ardent crowd like this reached a gulch or basin, and when successive crowds from farther camps and towns began pouring in, the available mining ground was soon occupied. Before much work was done, however, a miners' meeting was held, and the district was organized by electing a miners' judge, a sheriff, and a recorder and by passing the rules of the camp. Men who had been schooled in California camps not only had learned to mine skillfully, but turned spontaneously to that form of local political organization which had been evolved in California.⁷ This was true not only in the American territories, but also in the British; along Fraser River and in Kootenai steps were taken in organization prior to the arrival of the British officials, and the success of these officials in maintaining law was due in very considerable degree to the orderly instincts and methods of the California miners.⁸

One of the most important of the district rules was that concerned with representation. Representation meant the time required for work in holding a claim. Ordinarily one day out of seven was required during the working season, although, sometimes, as in Bivens Gulch (Montana) two days at first were neces-

⁶ Letter to The Portland Advertiser, October 29, 1861, in San Francisco Daily Bulletin, Nov. 2, 1861.

⁷ A vivid account of the organization of California camps is found in Davis, Hon. John F., *Historical Sketch of Mining Law in California* (From *History of Bench and Bar in Cal.*) pp. 16-33. Shinn, C. H., *Mining Camps*, takes up the subject more elaborately. On the spread of California ideas consult particularly in the latter work Chap. XXV on *Effects upon Western Development*.

⁸ See Copy of Miners' Resolutions at Fort Yale Bar, Cornwallis, *New Eldorado*, pp. 402-3; also, Report of A. N. Birch, Colonial Secretary to Governor Seymour, Oct. 31, 1864, found in Macfie, *Vancouver Id. and Br. Col.*, pp. 255-262.

sary. A man might do the work himself, or have it done. In British Columbia it was required that representation be bona-fide and not colorable, and a claim was considered abandoned if left seventy-two hours. Bona-fide representation, however, included clearing brush for cabin, building cabin, cutting timber away from the claim for works on the claim, and bringing in provisions.⁹

The time when representation was not required or, in other words, when claims were "laid over" was determined in the American territories by district meeting, in British Columbia by the local gold commissioner. Claims were universally laid over during the winter season, but might be laid over temporarily at other times—as for example, during prolonged dronth. The British Columbia method of control seems to have given greater flexibility for adjustment to conditions. When claims were laid over, miners could absent themselves entirely until representation was again required, and no one could legally jump their claims. This arrangement gave miners an opportunity, perhaps, to return to their homes for the winter, if they chanced to live in the Willamette or some Coast community, or at any rate, to go to some town, as Victoria, Portland, Lewiston or Boise, where living was cheaper than in the mines, life more attractive, and the chances for spending all one's money very good. Here, then, is another peculiarity of a mining camp: men seldom thought of creating homes in such a camp, and ownership was based not on residence, as in agricultural homesteads, but on work during a portion of the year.

Still, it would be wrong to think that the camps were wholly deserted during the winter. A very considerable proportion of the miners stayed, and these occupied themselves in sawing lumber, making sluices, etc., and (especially in deep diggings) in digging shafts and drifting. Mining operations in the latter class of diggings could be carried on all winter. Camps often acquired, therefore, more of stability than is commonly thought.

It is time, however, to return to the recently discovered and newly organized district where the miners were ready for their work. Theirs was a busy and laborious life, and it did not con-

⁹ Park, Joseph, *A Practical View of the Mining Laws of Br. Col.*, pp. 41-43.

sist of picking up golden nuggets out of streams and spending most of their time in hilarity and adventure. Work, hard physical toil, was necessary to development.¹⁰ In the first place there were cabins to build, and in this labor British observers admired the skill of the American axemen—a skillfulness particularly noticeable in Missourians, or those recently from the “States.” Ditches were to be dug and sluices and flumes constructed. Lumber had to be obtained by the laborious process of whip-sawing, and good whip-sawyers could always make high wages until the inevitable small sawmill arrived.¹¹

The processes of placer mining were somewhat varied. The simplest, after the pan, was the use of the rocker, which was an affair constructed somewhat like a child’s old fashioned cradle, having at one end a perforated sheet of iron. The rocker was placed by the side of a stream and one man rocked and poured water, while another dug and carried dirt. This of course was a slow process, and a next step was the use of the sluice.¹² Boxes ten or twelve feet long, twelve inches wide and eleven inches deep, were arranged in “strings” in such manner as to allow a current of water from a ditch to be run through the boxes. In working such a sluice a number of men could be utilized—some to strip sod, some to dig and wheel, one to throw out pebbles and boulders with a sluice-fork and one to throw away tailings. Transverse cleats were nailed to the bottom of both rocker and sluice-box, and quick silver was poured into the mixture of dirt and water in order by amalgamation to secure a larger percentage of gold than would otherwise be possible. A farther modification of the sluice was the use of hydraulic power, in the shape of a powerful stream of water from a hose, instead of picks and shovels.¹³

¹⁰ Intensity of work was increased in districts where water could be secured only for a short season. Night shifts were often used then. It took real patriotism at such a time for a man to volunteer on an expedition against marauding Indians. One gets an idea of the steady, plodding labor necessary to develop a claim from the diary of J. F. Morley where day after day is the entry, “At work in the shaft.”

¹¹ Three things were indispensable to a placer miner—water, lumber, and quick-silver.

¹² The “tom” was a simple form of sluice, consisting of but one trough.

¹³ Good descriptions of processes may be found in Goulder, W. A. *Reminiscences of a Pioneer*, pp. 211–214; Macfie, Van. *Id. & B. C.*, pp. 266–279; *Mineral Resources*, 1867, pp. 16–23.

The pay dirt lay next to the bed-rock and in shallow diggings could be got at simply by stripping; but in a number of rich fields (Cariboo and Last Chance, for examples) the pay stratum or lead was buried under twenty to sixty feet of stream detritus, and then shafts and drifting had to be resorted to. Drifting of course meant digging out around from the bottom of the shaft. This was work only for an expert miner, and a good drifter was always in demand at wages three or four dollars a day higher than those paid for ordinary labor. The use of shafts and drifts required timber for supports and the rigging of windlasses. Water and boulders often bothered greatly, especially the former. Sometimes pumps were made, but often a bed rock flume was resorted to. In its construction a miner opened up a ditch on the bed rock from a point low enough to drain his claim.

In carrying on these various forms of mining labor, the skill of old Californians was pre-eminent, and everywhere from Cariboo to Owyhee the methods and opinions of Californians were given great respect. In camps where there were many "pilgrims" from the states higher wages were generally paid to old miners. The Californians, indeed, were apt to be a bit supercilious with regard to novitiates; at Oro Fino, for example, they complained that the Willamette farmers in the mines did not know how to secure gold properly from the dirt—to which the others might have replied that neither were they so expert in gambling it away after it was secured.¹⁴ The scorn of the expert for the unskilled is somewhat amusingly revealed in a letter from Last Chance, where, the writer says, the gulches were "mostly taken up by Pilgrims, who know more about raising wheat or cranberries, or handling logs, than using pick and shovel.

"Just watch them handle a pick. A good miner has a pick drawn to a fine, sharp point; he works underneath the pay dirt on the bed rock; you know, Mr. Editor, when you knock away a man's underpinning he is easily brought down; and so it is with gravel—get under it with a good long, sharp pick, and it is easily

¹⁴ *San Francisco Daily Bulletin*, August 21, 1861; Bristow, *Reencounters*, MS.

brought down. It cannot stand on nothing; but a green horn has a short, thick, stubbed pick; he stands on the top, like a chicken on a grain pile; gets out one rock and finds he has another below it requiring the same labor."¹⁵

Yet there was good demand in every thriving camp for many kinds of labor, so that men turned easily to that employment in which they had had previous training.

Notwithstanding the comparative skillfulness of the Californians, however, the placer mining of this period was wasteful, and unconscious of conservation. This for two reasons: In the first place men were in the mines simply to make as much money as they could and get away in the shortest possible time. This was particularly true, of course, with regard to residents of the Willamette or of Missouri, to many of whom a trip to the mines was of the nature of an excursion, designed to make a little money or pay off a mortgage. In the case of the habitual miner there was no possible way by which he could be constrained to work old ground carefully, when he could make large sums by hasty working and then hie to some other field. A man certainly could not be expected to work carefully a claim that did not pay more than wages. In the second place, the expenses necessarily attendant upon opening a new and remote placer field by the modes of transportation which then obtained, were so great a charge upon the mines that only the very richest gravel could be profitably worked. These placer mines had to pay for establishing routes of transportation and for nurturing civilization under unfavorable conditions.¹⁶ Whatever the reason, at any rate, the mines were skimmed, and the wastage was enormous. Mr. J. Ross Browne, who had spent years in the mining regions and who had opportunity to know the situation better than anyone else in the United States, in his report of 1868 [though he does not mention his authorities] says that, "At a moderate calculation, there has been an unnecessary loss of

¹⁵ *Montana Post*, April 29, 1865. A very important workman in each mining locality was the blacksmith. The worth of a mining field was estimated in part at times by the number of blacksmiths employed in it.

¹⁶ Moreover, the lack of the "blue lead" beds of ancient rivers in Montana and Idaho contributed to early exhaustion, compared with California; Carmany, *Review of 1866*, p. 9.

precious metals since the discovery of our mines of more than \$300,000,000, scarcely a fraction of which can ever be recovered. This is a serious consideration. The question arises whether it is not the duty of government to prevent, as far as may be consistent with individual rights, this waste of a common heritage, in which not only ourselves but our posterity are interested."¹⁷

It was true that waste was to a considerable degree relieved by the incoming of the patient Chinese into every camp after the cream had been taken by the whites, by the introduction in some cases of hydraulic processes by which low grade ground could be profitably worked, and by more careful methods of whites who were content to labor on after the flush times were over.¹⁸ But it remained a fact, and a fact of importance in sociological study of early mining society, that mining communities economically based on placer mines were wasteful and unstable.

In order to overcome this instability, everywhere the more substantial miners, business men, and statesmen turned their attention to quartz. In all mining regions, therefore, whether in British Columbia, Idaho, Oregon, or Montana, quartz lodes were eagerly located and attempts, more or less elaborate and successful, were made at development.¹⁹

The simplest machinery for working quartz was the arrastra (or arrastre), originally a Mexican invention. This consisted of a circular area paved with stones, in the middle a post and to this post attached a sweep to which a mule or horse was hitched. A block of granite, fastened to the sweep, was dragged around over the quartz distributed within the circle. The remains of these old arrastras may be found in many gulches today. Their

¹⁷ *Mineral Resources of the United States*, 1868, p. 9.

¹⁸ More work was carried on than is commonly thought, after the crowds of adventurers had vanished and newspaper notices become sparse. This was true of such places as Cariboo, Oro Fino and Warrens, but not so with regard to Salmon River, Auburn, and Kootenai.

¹⁹ In British Columbia the following bonuses were offered:

1. £500 to the person who should be first in the colony successfully to work quartz, gold or silver by machinery.
2. £500 for discovery of a good coal mine.
3. £500 for building the first vessel in the Colony of not less than 500 tons.
4. £500 for discovery of new alluvial diggings capable of giving employment to 500 men. [Notice how the government here takes the initiative in a way that it never did in the territories to the south.] *Government Gazette*, Jan. 7, 1865.

use "required neither capital nor a number of laborers. The owner of the arrastra could dig out his own rock one day, and reduce it the next."²⁰

The enterprise of Americans, however, forbade contentment with such rude machinery, and they at once set to work, in spite of enormous obstacles, to construct mills. The first mill in Montana is thus described by one of the pioneers in quartz: "An overshot wheel, twenty feet in diameter, is placed on a shaft 18 feet long, with large pins in the shaft for the purpose of raising the stamps. These stamps are fourteen feet long and 8 inches square, and strapped with iron on the bottom, which work into a box that is lined on the sides with copper plate galvanized with quicksilver, so as to catch the gold as the quartz is crushed and elashed up the sides of the box. Then we have an opening on one side of the box, with a fine screen in it, through which the fine quartz and fine gold pass, and run over a table covered with copper."²¹

More elaborate mills, of course, were constructed, as outside capital was enlisted, and these mills represented what may be called a second stage in quartz development. The study of the reduction of gold and silver in such a mill was fascinating. The quartz was first broken into fragments the size of apples by sledge hammers and then shoveled into feeders, which brought it under large iron stamps, weighing three hundred to eight hundred pounds, and which "rising and falling sixty times per minute with thunder and clatter," made the building tremble, as they crushed the rock to wet powder.

"Quiet, silent workmen run the pulp through the settling tanks, amalgamating pans, agitators and separators, refuse material passing away, and quicksilver collecting the precious metal into a mass of shining amalgam, soft as putty. This goes into the fire retort where it leaves the quicksilver behind and finally into molds whence it comes forth in bars of precious metals."²²

²⁰ *Mineral Resources*, 1867, p. 21.

²¹ Letter of J. F. Allen in Campbell, J. L., *Six Months in the New Gold Diggings*, p. 35. This mill was near Bannack and used the ore from the Dakotah ledge.

²² Richardson, Albert D., *Beyond the Mississippi*, p. 501. This mill was in Owyhee.

The building of such mills and the working of quartz claims required the use of capital and corporate methods. *The most significant development in the mining industry during the decade 1860-70 was the supercession of surface placer mining methods, wherein the individual working in informal combination had free play, by quartz mining and corporate working of deep placer diggings, wherein individualism began to be submerged and capital became uppermost.*

The necessity of this process is clearly apparent when we look at the position of an ordinary miner who had discovered and perhaps tested a good quartz lode. He could with some trouble get his claim duly recorded and, with more trouble, do or have done the assessment work required. But what then? He did not have money with which to work his claim, and he could not pay his expenses of living as he could from a placer claim. Hence, if he was to realize on his claim, he must inevitably sooner or later call in capital. It is true that some few placer miners saved enough to equip small mills and that there was some evidence of cooperative organization among the men, but in general there was a great call from the mining fields for the application of capital.²³

Accordingly, we find effort on the part of local claim owners to interest outside capital. Portland capitalists invested at Powder River and Owyhee. There was some connection, also, with San Francisco. But New York was the place towards which effort turned most yearningly. Hardly had the Owyhee quartz been discovered, when Gen. McCarver started east to interest New York capitalists.²⁴ The Avalanche had among its advertisements the Agency of Geo. L. Curry for selling feet in New York, and the local conditions are suggested by the declaration of an editorial that "There should be less ledges and more New Yorks."²⁵ The participation of New York (and of some other

²³ A notable case of cooperative working of a quartz mine was that of the Oro Fino, in Owyhee, in which case the workmen, on the failure of the firm, assumed the indebtedness and operated the mine successfully. U. S. Commissioner Browne commented on this as follows: "It is singular that so few mines are worked by companies of operative miners, especially when we see how successful such companies usually are."

²⁴ San Francisco *Daily Bulletin*, Dec. 2, 1864.

²⁵ Owyhee *Avalanche*, Sept. 9, 1865.

capitalistic centers) in quartz development in Montana is shown in charters granted by the first legislature. Among these we may mention The Montana Gold and Silver Mining Company, whose office was in New York; The Rocky Mountain Gold and Silver Mining Company, whose stockholders lived in Bannack, St. Louis, and New York; and The American Gold and Silver Mining Company, whose stockholders were in London, New York, Philadelphia, St. Louis and in Montana.²⁶ Concerning British Columbia a thoughtful observer wrote, "Labor has hitherto chiefly performed what has been done, but the performance has been limited, slow and imperfect. Capital must finally develop the resources of the country. Its aid is essential to their full development, but to attract capital it must have free scope, and a reasonable amount of legal protection and encouragement, or, in other words, as much protection as will encourage its introduction."²⁷ The shaping of laws to encourage capital is mentioned, also, in the first message of Governor Lyon, of Idaho: "All legislation should be carefully molded to invite capital, and the greater the inducement held out, the more rapidly will our population be increased and the greater the peoples' prosperity."²⁸ This, then, was the situation: development in these mining communities by means of the labour of individuals, who had little capital and organization, soon reached its limit; society stretched forth to the centers of capitalism for aid and was willing so to modify its legislation as to favor the introduction of capital.

This movement towards capitalism and corporate methods was tremendously accelerated by the development of the Comstock lode in Nevada. "The chief gold mines of California," wrote Commissioner Browne, "high as their product is, are small affairs when compared with the vast works of the chief silver companies of Nevada." "A strip of land six hundred yards wide and three miles long yields \$12,000,000 annually. There is no parallel to that in ancient or modern times."²⁹ With this

²⁶ *Laws of Montana*, 1864-5, pp. 558-658.

²⁷ *London Times*, Aug. 26, 1863.

²⁸ Hailey, *His. of Idaho*, p. 114.

²⁹ *Mineral Resources*, 1867, p. 72.

magnificent yield came decisive resort to corporate methods. "Nothing more strikingly illustrates the difference between the miners of California and those of Western Utah," said the Maryville, (California) Appeal, "than the frequent formation in the latter of incorporated companies with a great amount of capital stock."³⁰ This development in Nevada promptly affected California. In an editorial on *The System of Extensive Mining Corporations in Washoe*, the *Bulletin* said: "The clear tendency of things throughout the entire mining region of California is to this end [i. e., combination]. Those who are the possessors of quartz or 'hydraulic claims' must call in the aid of capital and science, if they hope to make their possessions profitable."³¹

These great achievements in Washoe aroused the capitalists of San Francisco—who up to 1860 had been quite indifferent to mining investments—to active participation in the process of combination.³² This participation, however, was not altogether healthful, for "it was reserved for Washoe to transfer the most active operations from the fields of actual labor to the pavement and shops of Montgomery street."³³ Then followed a period of riotous speculation. Two hundred and ten companies were formed in 1861 and 1862, with capital stock of \$230,000,000.³⁴ Men and women of all degrees made haste to invest their savings in mining stock of companies, most of whose holdings were worthless. In 1864 came a great panic in these stocks and the "name of Washoe, which had once been blessed, was now accursed by the multitude, though still a source of profit to the few."³⁵ The mines of the northern interior, however, were not greatly affected by this excess of speculation or its reaction, except that development was somewhat retarded by the latter.

This tendency towards employment of capital in combinations, which is discernible in these remote mining communities which we are studying, was apparent in Australia also and, indeed, in

³⁰ In San Francisco *Daily Bulletin*, Nov. 20, 1860.

³¹ *Ibid.*

³² *Mining & Scientific Press*, Jan. 7, 1865, p. 8.

³³ San Francisco *Daily Bulletin*, July 6, 1864.

³⁴ *Id.* Jan. 6, 1863. *Mineral Resources*, (p. 30) places the whole number of companies at 3,000, with a capital stock of \$1,000,000,000.

³⁵ *Mineral Resources*, 1867, p. 31.

all Anglo-Saxon mining localities.³⁶ Moreover, the period of the Civil War was marked in the eastern United States by the combining of capital and the forming of corporations on a scale before unachieved.³⁷ The development of mining methods in the camps of the Inland Empire, therefore, in their progression from the simple and hasty methods of the placer miner to the complicated and stable processes of the capitalist and the scientist, shared in the evolution going on in Washoe, California, Australia, and the whole United States.

³⁶ See on this wide change in the precious metal industry an interesting article on *Gold Mining and the Gold Discoveries made since 1851*, in *The Mining and Smelting Magazine*, (London), Vol. I, pp. 392-401.

³⁷ Fite, *Social and Industrial Conditions During the Civil War*, Chap. VI.

CHAPTER VII

THE PRODUCT AND ITS UTILIZATION

In considering the product of the labor and capital expended in the Mining Advance, one naturally inquires what was the amount of the total product.

This question is one extremely difficult to answer at all and, indeed, impossible to answer with entirely satisfactory precision. In British Columbia with its more ordered administration we can feel more sure of arriving at nearer approximation to accuracy than in the territories to the south, where, until 1867, there was no governmental attempt to gather statistics. Of course one meets all sorts of statements in the literature of the time, given with great confidence; but such statements often originated with parties interested in exaggerating yields—claim owners desirous of selling out, local editors who wished for larger subscription lists, merchants, packers, steamboat men, and even express companies.¹ The last, and especially Wells, Fargo & Company, were, however, a source of information considered fairly reliable. There were earnest efforts made, it is true, to arrive at right estimates, and of these special value attaches to the careful annual reviews of the San Francisco *Bulletin*; but here again vagueness arises from the fact that much of the dust shipped to California was merged in statistics with the California product, and that very considerable amounts were shipped out of the northern regions by way of Salt Lake and the Missouri River of which the *Bulletin* made little account. Moreover, in estimating product,

¹ "The seeker of truth will not easily find a more thankless field of investigation than a mining country. For it verily appears that however truthful men have previously been, self-interest seems to make them systematic liars as soon as they become interested in gold mines." Letter from Pike's Peak Region, San Francisco *Daily Bulletin*, Oct. 1, 1860. In support of the untrustworthiness of mining statistics, see Del Mar, *History of the Precious Metals*, pp. 401-406. For other side see *Mineral Resources*, 1868, p. 5.

variation in the value of gold dust must be taken into the account, a variation ranging from gold of Owyhee worth twelve dollars per ounce to that from Kootenai worth eighteen. Again, there was not a little counterfeiting of gold dust, against which laws were enacted in the Colony and the Territories. The Chinese were charged with adeptness in this practice in British Columbia; and in southern Idaho the matter became so serious as to impair the welfare of laborers and lead to meetings of merchants for fixing prices of debased dust. Hence, many factors must be taken into account and many sources drawn upon, in order to arrive at an approach to accuracy in estimating the product of the mining regions which we are studying.

We have, however, two series of estimates, which, after study of various reviews and collecting of fugitive notices, I have come to believe well within the truth. The one for British Columbia is by Mr. George M. Dawson, who was helped in his compilation by the Provincial Department of Mines; the other by Mr. J. Ross Browne, United States Commissioner for the mining regions west of the Rocky Mountains, who drew from a great number of assistants and informants. Mr. Dawson's estimate for British Columbia is as follows:

1858	\$705,000
1859	1,615,000
1860	2,228,000
1861	2,666,000
1862	2,856,000
1863	3,913,000
1864	3,735,000
1865	3,491,000
1866	2,622,000
1867	2,480,000
Total	\$26,110,000 ²

Mr. Browne summarized the yields in the American fields from the beginning of their working to the close of 1867 as follows:

Washington	\$10,000,000
Oregon	20,000,000
Idaho	45,000,000
Montana	65,000,000
Total	\$140,000,000 ³

² *Geol. Sur. of Can.* 1887, 1888. Rpt., p. 23 R.

³ *Mineral Resources*, 1868, p. 6.

Part of the Oregon yield, however, belongs to western Oregon, but it would probably be safe to credit eastern Oregon with \$10,000,000. Deducting this amount from the total, we have \$130,000,000. Adding now, the yield of British Columbia we have a grand total of \$156,111,000 as the product of these northern interior mines in a decade, the average being at least \$15,000,000 per annum.⁴

Rightly to value this production, moreover, one should consider that it was nearly all surplus. In agricultural communities, especially in their earlier stages, a very large proportion of the product is consumed by the producer or his family, and comparatively little, particularly at first, left as surplus; and it is mainly the surplus, of course, that brings into being trade and means of transportation and most of the instruments and appurtenances of civilization. In mining communities it is evident that the product must necessarily be practically all surplus, and a surplus, moreover, in such form as to be readily transmutable into the various commodities and activities of civilized life. Gold dust circulated as money. Each merchant had his scales and every miner carried his pouch, from the contents of which he bought his food, clothing, tools, newspaper, and drink; paid his postage, express charges and fares; attended the theatre or the hurdy-gurdy, perchance gambled, remunerated his lawyer in litigation, paid his taxes, or bestowed his contributions at church.⁵ Civilization sprang forth full-panoplied. Merchants came rushing in; buildings were erected and towns sprang up; newspapers were established; lawyers, dentists, and doctors

⁴ It seems to the writer that these gentlemen, in reaction against exaggeration, arrived at estimates somewhat too low. In support of this criticism it may be noticed that Mr. O'Reilly, Commissioner at Cariboo, a very careful and reliable observer, places the yield of that district, north of Quesnelle River, for 1863 at \$3,904,000, (*Supra*, p. 42), whereas Mr. Dawson's estimate for the whole of British Columbia for that year is \$3,913,563; surely the aggregate yield of the numerous scattered bars and camps of British Columbia, outside of Cariboo, was for that year more than \$9,563. Cf. also totals of \$2,500,000, shipped from Portland in 1861, practically all from the Nez Percés Mines, *Or. His. Quar.* Sept. 1908, pp. 289-90.

⁵ While it is true that gold dust readily circulated as money, still there was considerable loss in exchange, and some cheating. Consequently, there was a distinct demand for coin. Transmission to San Francisco, however, was attended by heavy charges; and so in British Columbia Governor Douglas ordered coinage of ten and twenty dollar gold pieces, and in the Territories there was insistent demand for local mint, which was finally established at Boise.

hung out their signs; churches and schools were projected and in many cases erected; transportation thrilled from the pack trail, the stagecoach, the steamboat, through the railroads of the east and the ocean routes of the west, clear to New York and London. It is this aspect of the mining advance (often overlooked nowadays as we look back over the slow progress of mining communities after the first flush years) which gives it an intensity, a vitality, a compellingness out of all proportion to the actual numbers of population participating. This conception of radiating economic intensity is basic in the just gauging in history of a great mining movement, or in understanding society built upon such a movement.

A comparison with the amount of surplus product of some agricultural regions will help us to understand the true significance of an average annual surplus of \$15,000,000 in the first decade of civilized occupation of the Inland Empire. Kentucky in 1832, two generations after its settlement, produced an estimated surplus of \$5,250,000, Ohio, about 1834, \$10,000,000 and Tennessee in the same year, \$6,120,000. The surplus of the whole Mississippi-Ohio valley was estimated in the latter year at \$30,000,000.⁶ The two states, accordingly, which produced a surplus available for stimulation of commerce approximately equal in amount to the average annual surplus of the Inland Empire, 1858-1867, (viz., Ohio and Kentucky) had in 1830 a combined population of over a million and a half; the entire population of the Inland Empire, white and Chinese, in 1867 was less than 100,000.⁷ The comparatively small population of a mining region, therefore, because of the availability of its product as surplus may produce an effect on commerce and transportation, for the time being, equal to that of a much greater agricultural population.⁸

The production of so large a surplus, of immediate availability by so small a population, helps us to understand the largeness of

⁶ These figures are from Pitkin, *Statistics for 1835*, p. 534, 536.

⁷ Ohio, 937 + thousand, Kentucky, 687 + thousand, *Rpt. of Twelfth Census*, Pop. Vol. I; British Columbia, 13800, (1866), Despatch of Governor Seymour, Feb. 17, 1866, in Churchill and Cooper, *Br. Col. & Van Id.*; Idaho, 21725, *Mineral Resources*, 1868, p. 512; Montana about 32,000, *Id.*, p. 487; counties of eastern Wash. 4170, *id.* p. 565-7; counties of eastern Oregon not over 10,000, *id.* 576-7.

⁸ Mining society, moreover, becomes highly functionalized more quickly than that of agricultural regions.

immigration to the mining regions from the eastern states, from Canada, and from England. A man's *chances* were better in the mining regions. When common labor in the East was paid \$1 to \$1.25 per day in depreciated greenbacks, \$5 to \$10 a day in gold—and the chance of making much more—loomed large. There was at this period great labor discontent in the East due to the high prices of commodities paid in paper currency, such prices unaccompanied by proportionate increase of wages.⁹ Even in California a skilled miner could make not more than \$3.50 to \$4 per day.¹⁰ Men at a distance (particularly if unacquainted with mining localities) overlooked the high prices and discomforts of mining camps—a fact peculiarly true of the general run of immigrants from England. After all, moreover, the average annual earnings may not have been so high as they seemed. Dawson computes that the average annual earnings of miners in British Columbia (1858–68) was slightly under \$700, but his computation does not take account of the exchange of product for labor in the mines.¹¹ But mainly it was the chance at the great prizes, the chance to make a fortune in a few months, that drew men feverishly on. There were many cases where men within a year or two cleared from \$2,000 to \$100,000, and, when we reflect on how such sums now are regarded by the average laboring or professional man, we can see what it meant to the ordinary man in the sixties. To the poor man the mines held out the hope of a competency.

If we inquire, however, what were the total net profits in the production of the surplus above discussed, after the deduction of money brought into the country, that is a question impossible to answer. The charge was often made, with regard to any particular mining community (a charge oftenest made by some older community which was losing population) that there really was no net profit, or a positive loss. We may observe, however, that even if this were true, the stimulus to business and the impulse to various forms of social activity were not therefore the less intense, although, perhaps, accompanied with loss to many indi-

⁹ Fite, *Social and Industrial Conditions during the Civil War*, Chap. VII.

¹⁰ Wages in 1867 were \$2.–\$3.50 per day; *Mineral Resources*, 1867, p. 21.

¹¹ *Geol. Survey of Canada*, 1887–8, Rpt. p. 23R.

viduals. Moreover, besides investments in mining improvements directly, as ditches, mills etc., much both of the money brought into a country and of the surplus produced was invested in various permanent forms of capital, such as the opening up of farms, the building up of towns and communities, and the capitilization of trade and transportation.¹²

One of the most important permanent improvements, attributable largely to the precious metal product, was the development of agriculture. Prices for all sorts of provisions were very high in the mines, and at the towns and stations on the way thither, and this was particularly true with regard to butter, milk, fresh vegetables, etc.—after a man had lived for weeks on bacon, bread and coffee, he would give almost any price for the tonic of butter and vegetables. The economic inducement of high prices was needed in order to settle remote valleys, which, but for the mines, would have waited long for settlers. As it was, agricultural activity was conspicuous both north and south of the Line.¹³

In the mining regions south of the Line the most noticeable agricultural activity occurred in the Walla Walla, Grande Ronde, Payette, Boise, and Gallatin valleys. Cattlemen and farmers had begun to enter the Walla Walla valley before 1860, and the census of that year showed a population in the county of 1,318. In 1866 it was estimated by *The Statesman* that 555,000 bushels of wheat had been raised in that year and 250,000 bushels of oats; flour was beginning to be exported from Walla Walla to San Francisco (there were six mills in the valley), and in June 1867

¹² The charge that "more money and labor has been spent to get out the gold than it was worth" was especially prominent in the case of British Columbia immediately after the Fraser River rush. In meeting it a defender of the Colony specified the following valuations, although less than a year had elapsed since the beginning of the rush:

Stock of goods on hand Nov. 1, 1858,	\$250,000.
Real estate in Victoria, one thousand town lots at \$100 each, cost price,	100,000.
Two hundred more valuable lots together with all the property sold here or at Esquimaunt, present value, \$200,000.....	500,000.
Wharves, new buildings and other improvements in Victoria,	400,000.
Buildings in the interior, all other improvements having been made at government expense	50,000.
Waddington, Alfred, <i>Fraser Mines Vindicated</i> , pp. 4 & 5.	

¹³ In localities of scanty rainfall it was an easy transition from miners ditches to irrigation ditches.

five hundred tons were shipped out.¹⁴ The settlement of the Grande Ronde valley started in 1861, and by 1866 it was producing almost as much as Walla Walla.¹⁵ In Boise City visitors were astonished at the fine vegetables that came from the Boise valley and from the Payette. The settlement of the Gallatin valley, which began in 1863 and in which John M. Bozeman was prominent, was of unique importance in that it led to the attempt to open a celebrated road, the Bozeman cut-off, through the heart of the Sioux hunting grounds to Ft. Laramie.¹⁶ In other valleys, also,—as the Powder River, the Bitter Root, and the Colville,—agriculture was enabled to get a secure foothold. Consequently, when the trying time of decline of placer mining came, the territories were enabled to live through, and commodities were furnished for outward transportation.

The stock business flourished even more than farming. While stock raising had long been pursued in the Willamette valley and had begun in the upper country a few years before the mining period, nevertheless, it is from this time that the stock raising in both regions begins as a distinctly important business.¹⁷ Many cattle, sheep, and horses were shipped from Oregon to British Columbia; in 1861 there were imported into Victoria alone 7,081 head of cattle valued at \$313,797, most of them from Oregon.¹⁸ The deputy collector of customs at Little Dalles, on the Columbia, reported that in 1866 there had been shipped through that point from Oregon and Washington Territories 2,754 head of sheep, 2,265 beef cattle, 483 horses, 43 mules, 1,132 pack animals, and 264 saddle horses,—the total valuation being \$348,292.¹⁹ The

¹⁴ *Mineral Resources*, 1868, p. 580.

¹⁵ Jas. Veazey wrote from Walla Walla to the *Oregonian*, Aug. 31, 1861, that there was room for 1,200 good farmers in the Grande Ronde and added in characteristic American fashion: "I want a claim there and I am going to have one, for its the prettiest country I ever saw." A few weeks later 15 emigrant families began making homes there. *Oregonian*, Sept. 28, 1861. See also *Idaho World*, Oct. 13, 1866.

¹⁶ *Historical Sketch of Bozeman, Gallatin Valley and Bozeman Pass*, by Peter Koch. *Contr. His. Soc. Mont.*, Vol. II, pp. 126-139.

¹⁷ I am confirmed in this view by the observations of Hon. C. B. Bagley, of Seattle.

¹⁸ Barret-Lennard, *Travels in British Columbia*, p. 282.

¹⁹ *Mineral Resources* 1868, p. 559. These figures are probably exceptional for this point since in 1866 the movement to the Upper Columbia was in progress, but they may be taken as fairly representative of numbers generally crossing the border.

mines in the interior south of the Line furnished a market not only for the stockmen of Walla Walla, but also of the Willamette. Some idea of the importance of the stock business in the Walla Walla valley may be derived from the estimate that 5,000 head of cattle were driven to the mines in 1866 and that stockmen still held 6,500 head; in addition 1,500 horses were sold to persons enroute to the mines and 6,000 mules were used in packing and freighting.²⁰ In 1868, from March 1st to July 15th there were shipped on steamboats from Portland to The Dalles, 12,191 head of cattle and horses, 6,283 head of sheep and 1,594 head of hogs, and it was thought that an equal number during the summer had been driven across the Cascade Mountains.²¹ This stimulation of the cattle business contributed to agricultural settlement; for stockmen soon began to turn to the vast bunch-grass plateaus, and from the stock business the transition was made in the seventies and eighties to the great wheat production of the present day.

The beginnings of agriculture in British Columbia in connection with the mining advance present some interesting features. Here too, all along the roads leading to the mines, particularly in the upper country, farms were opened up.²² This development was noted with great interest in England, where it was thought that the climate and soil of British Columbia were such as to make that colony peculiarly fit for immigration of the poorer population of the mother country. One of the things that is distinctly noticeable in the books published in England during this period concerning British Columbia is the background of distress at home and the desire to relieve this distress. All of these books, therefore, (and they were quite numerous) devote considerable space to the discussion of the agricultural possibilities of British Columbia and the advisability of people from Britain emigrating thither.

Perhaps the most interesting aspect of the starting of agricul-

²⁰ Walla Walla *Statesman*, quoted in *Idaho World*, Dec. 15, 1866.

²¹ *Mineral Resources*, 1868, p. 580.

²² Mr. Davidson, near Pavillon, had 175 acres under cultivation. Another farmer drove thirty head of milch cows into Cariboo and netted \$75.00 per day from them for four months. Packers wintered their stock in the valleys of the Thompson and Bonaparte. Macfie, *Van. Id. and Br. Col.*, pp. 284-292.

ture in British Columbia, however, from the point of view of our study, is the method of the disposal of the public lands. In working out a method there were some comparisons instituted with other English colonies, particularly with Canada, but the *most decisive formative influence was competition with and imitation of the land system of the United States.*²³ At first in British Columbia there was a disposition on the part of the government to hold land at comparatively high prices, to sell it at auction, and to require that only surveyed lands be sold. Lytton believed in a high upset price, "but", he wrote, "your course must in some degree be guided by the price at which such land is selling in neighboring American communities."²⁴ The price was set at first at ten shillings (\$2.50) per acre, and "squattling" was not to be tolerated—it was outside of law and not British.²⁵ The same policy, in general, was followed in Vancouver Island.

Against this policy discontent and opposition began to develop. The petition of a public meeting held at Victoria, July 2, 1859, reads as follows: [The petitioners] "having viewed with alarm the departure of many of Her Majesty's loyal subjects and others from this colony to the neighboring republic; and having learned that their departure has been induced by the difficulty of obtaining agricultural lands at once, on application, and by not being obtainable on such terms as would afford equal encouragement to actual settlers in this colony as are offered in the neighboring republic; believing that we shall lose many more, and that except the land system of the colony is materially modified, the prosperity and settlement of the country will be seriously retarded, petition:

a. That Crown lands of this Colony may be opened at once to actual settlers;

b. That a preference may be given to them in the choice of the public lands, surveyed or unsurveyed, over capitalists;

²³ It will not be overlooked that the public lands in the colony of British Columbia, unlike those of the United States, were under the control of the government of the colony and were not administered by the Imperial government.

²⁴ *Papers relating to British Columbia*, I, 49.

²⁵ O. T. Travilliot was appointed Assistant Commissioner of Crown Lands in 1858, "for protecting the Crown Lands of the Couteau and Fraser River Districts from encroachment, intrusion and trespass."—Douglas, *Misc. Letters*, MS. July 13, 1858.

c. That they may be secured in a preemptive right;

d. That the highest price to actual settlers may not exceed \$1.25 per acre, or such price as will barely cover the expenses of survey."²⁶ Another meeting at Victoria on Aug. 22, 1859, placed among its resolutions the following clause: "That the practice of making the public lands a source of revenue is unwise and impolitic; that instead of attracting to, it repels population from the country; and that the better policy, grounded on the experience of new countries, is to donate the public domain to bona fide settlers rather than exact a high price with a view to revenue; that the taxable property of a country whose land system is liberal so rapidly increases that it soon yields a revenue which far exceeds the proceeds of the sale of land at any price."²⁷

The attitude of Governor Douglas, perhaps because of the pressure brought to bear upon him, underwent a change in the two years from 1858-60. At first on application for preemptions he refused them, quite properly, on the ground of lack of authority.²⁸ Later (in 1858) he allowed town lots to be leased at Yale, Hope, and Port Douglas, under the conditions of right of resumption by the Crown, a rental of \$10 per month (payable in advance), and with a preemption right in the lessee at an upset price of \$100, the monthly rent to be reckoned as part of the purchase money.²⁹ A letter of the Governor from Ft. Hope in the fall of 1859 forecasts a general preemption law: he wrote that there was a very general inquiry for rural lands and that the general impression had gotten abroad, "which I am altogether at a loss to account for", that the Government was not willing to sell land; he caused the registry of applications for 1,500 acres and proposed to "authorize applicants to enter on land without de-

²⁶ McDonald, *British Columbia and Van. Id.* P. 217. This meeting may have been inspired partially by hostility to Governor Douglas. McDonald himself was a bitter critic of Douglas. On the other hand, he shows great perspicuity in the discussion of the land system and reveals thorough acquaintance with the land systems of the United States and of Canada. In commenting on that of the United States he says that "it has done more towards the promotion of settlements and the development of their agricultural resources, than all other causes combined." (p. 58) He noted also the passage of the American homestead law. His book was published in 1863.

²⁷ *Id.*, p. 349.

²⁸ *Diary of Gold Discovery on Fraser's River*, MS. May 24, 1858.

²⁹ Douglas to Moody, *Misc. Letters*, 1, MS. p. 222.

lay and make improvements"; payments of land, where surveyed, were to be at the rate of ten shillings per acre.³⁰

Finally, on Jan. 4, 1860, came the preemption proclamation. According to its terms British subjects and aliens who took the oath of allegiance could "acquire unoccupied, and unreserved, and unsurveyed Crown land in British Columbia, (not being the site of an existent or proposed town, or auriferous land available for mining purposes, or an Indian Reserve or settlement), in fee simple." The conditions were that the claim be of 160 acres, of rectangular form, that it be marked by four posts and that it should be recorded; that the occupation of the land be continuous and that improvements to the value of ten shillings per acre be made; and that road, mineral, and ditch rights be reserved.³¹ The price was not to be in excess of ten shillings per acre, this statement showing the liberalizing advance over the attitude of a few months previous. As a matter of fact the price was finally set at 4s. 2d per acre.³² Thus we see that in the first stage of the administration of the lands of British Columbia the land system was perforce conformed to that of the United States.

Another permanent form in which the mining surplus manifested itself was in the upbuilding of towns and communities.

In the interior of the American territories there were founded in five years Walla Walla, Lewiston, Boise, Virginia City, Helena, and a score of smaller centers. The Dalles became a thriving entrepot.³³ In British Columbia there were Hope, Yale, Douglas, Lillooet, Lytton, Barkerville, and others of less importance.³⁴ The population of these towns, in numbers varying from a few score to perhaps ten thousand as the extreme limit in flush times, appears, in comparison with that of eastern towns, of little importance. But anyone familiar with frontier conditions knows

³⁰ Douglas to Moody, *Correspondence Book*, MS. Sept. 20, 1859.

³¹ McDonald, *Van Id. and Br. Col.*, pp. 295-299.

³² *Id.* p. 214.

³³ The Dalles, "key to the upper country", in 1862 had about 1000 population. *San Francisco Daily Bulletin*, Nov. 13, 1862.

³⁴ Concerning Lytton Douglas wrote to Travaillot that the town "lately founded at the Forks of Thompson River should be named after the present Secretary of State for the Colonies, a gentleman distinguished alike as a brilliant writer, a profound statesman, and a warm and energetic friend of British Columbia". *Misc. Letters*, MS. I, 35, Nov. 10, 1858.

that such outposts of civilization are of many fold more consequence than villages of like size in the East. They became out-fitting posts for vast regions and their trade was out of all proportion to their size; from them went forth prospectors, merchants, packers, stock men, travelers—all the assailants and viewers of the wilderness—and to them from time to time they returned. Such frontier towns were ganglia of civilization, comparable to Roman colonies. Moreover, in the period to come, when railroads were to be projected and built, the existence of such communities was of very considerable moment.³⁵

Of the Coast communities, the towns of Puget Sound were less directly in the path of the mining advance than were those of the Fraser and Columbia; consequently the Sound region was of relatively lesser importance during the mining decade. Nevertheless, it was greatly interested in the mining advance and drew from it a measure of prosperity. Governmentally, in particular, as the mining regions developed before the formation of Idaho, the Sound regions of Washington began to fear that they would be outvoted in the legislature by the representatives from the eastern parts of the States. But in material prosperity, also, the effects of the mining advance were plainly in evidence. The Fraser River movement especially benefited the Sound. "The gold excitement has not been without a good result," said the *Puget Sound Herald*, "so far as the Territory at large is concerned. If we may judge of other towns and counties by our own [Steilacoom], there must certainly have been, in the aggregate, a large accession of wealth and population—we mean a permanent, not a transient accession. . . . A few short months ago no mechanical business of any kind, save carpentering and blacksmithing, was carried on here, now there are some half dozen workshops. Six months ago there was not a single light pleasure vehicle of any description, although our roads are of the best. Now there are six or eight, together with a couple of express wagons recently purchased in Victoria."³⁶ Not only many miners who came during the Fraser River rush, but also

³⁵ On this point consult Smalley, E. V., *History of the Northern Pacific Railroad*, p. 181.

³⁶ *Puget Sound Herald*, Sept. 24th, 1858.

some who from time to time arrived during the after course of the mining advance, took a liking to the Sound country, settled down and became valuable citizens.³⁷ Thus in general effect a mining rush in a way, like an exposition, served to make a region known and to bring in settlers.³⁸

New Westminster, the capital of British Columbia was founded by governmental fiat in 1859, and emerged rapidly from the great primeval forest into a busy town on a noble site. In 1861 its imports amounted to \$1, 414, 000, in 1862, \$2,800,000. and in 1863, \$2,109,000.³⁹ Still, New Westminster was by no means content. She felt that the commercial element in Victoria was fattening on British Columbia trade which belonged rightfully to her. Other measures and grievances were thus formulated by the *British Columbian*: (a) A resident governor and responsible government; (b) Improvement in the navigation of the Fraser River; (c) Early survey of the public lands; (d) A system by which miners could make local laws; (e) An export duty on gold.⁴⁰ The latter measure was especially desired in order to decrease the tariff duties, with a view to eliminating Victoria as much as possible. Another measure with the same end in view, which was passed when British Columbia obtained a governor separate from Vancouver Island, was to levy tariff duties on the value of goods at the port of export. As a third step in this policy, New Westminster wanted direct steam communication with San Francisco.⁴¹ But it remained for a future city on Burrard Inlet, Vancouver, to accomplish in part what New Westminster meditated.

At that time, however, Victoria was clearly in the lead. Here was a remarkable example of a thriving city whose growth and prosperity depended little upon its near surroundings, but almost entirely upon mines hundreds of miles away in the distant interior of the mainland. One of the most interesting phases of

³⁷ Hon. C. B. Bagley, of Seattle, emphasized the point presented in the text in a reminiscent conversation.

³⁸ It is worth noticing that the University of Washington was founded in the period of the mining advance, Jan. 28, 1861.

³⁹ Macfie, *Van. Id. and Br. Col.*, p. 217.

⁴⁰ *British Columbian*, Feb. 13, 1861. The bar at the mouth of the Fraser was a hindrance to the entrance of ocean ships.

⁴¹ *Id.* Aug. 15, 1861.

the history of Victoria, however, in the period of our study, was the way in which the city was regarded in English books and papers of the time. She was to be the Liverpool of the Pacific. It was admitted that her own harbour was somewhat shallow, but near at hand was the magnificent harbour of Esquimault.⁴² With such an harbour and in so commanding a position on the Pacific, Victoria surely would become a great emporium for trade. In accordance with this ideal the city's revenue laws were shaped; money was collected from direct taxation, and Victoria was made a free port, like Singapore and Hong Kong.⁴³

The Willamette Valley, as we have before noted, looked somewhat askance upon the movement to the mines for the reason that they took from the valley laborers and farmers. This resentfulness is somewhat humourously revealed by a correspondent of the *San Francisco Bulletin*, who writes from Portland as follows: "While our venture-loving population are hurrying on the backs of spare-rib Cayuses to the new found Dorado, the plowshare will rust in the weedy furrow, the sickle hang idly from the deserted roof tree, and the obstreperous old sow and her nine small squeakers will root maintenance out of the neglected garden. Next fall those who survive disease, vagrancy and corn juice will come back moneyless to winter. With arable land enough to feed the Pacific Coast, many of us will be compelled to swap old Pied, that nursed us across the plains, for California and States flour."⁴⁴ Such dismal prognostications, however, were dissipated by the higher prices for wheat and the greater market for cattle which the mines furnished.⁴⁵

In the prosperity of the mining advance Portland emerged from a mere village to the promise of the city it has since become. Forces generated in that period have profoundly affected the city's development. We have before noted the beginnings of capitalization of the city in the debt of the Indian war of 1856,

⁴² Esquimault was an important rendezvous for the British fleet.

⁴³ This policy of a free port was one of the reasons why union of Vancouver Island with British Columbia was difficult.

⁴⁴ May 9, 1862.

⁴⁵ From Portland there were shipped in Feb., Mch., and April, 1861, 6,032 sacks of flour up the Columbia, 25,418 to Victoria, and 63,097 to San Francisco. *Oregonian*, May 4, 1861.

but it was during the period from 1861 to 1865 when the successive waves of migration and trade swept through the city and up the Columbia to Oro Fino, Salmon River, Boise and Alder Gulch, that decisive growth came. By 1862 the population had doubled, wharves were built, steamboats puffed busily on the Willamette, and hotels, eating houses, stores, and saloons were thronged. Long lines of drays unloaded their goods at the wharves.⁴⁶ Gas and water mains were laid. The firemen were well organized, numbered a large proportion of the male population, and were influential in politics.⁴⁷ A board of stock brokers was formed which included such growing capitalists as R. R. Thompson (President), J. C. Ainsworth, and D. F. Bradford, men who were then developing the Oregon Steam Navigation Company and speculating in the mines.⁴⁸ Miners liked to return to Portland to winter. The portion of the surplus from the placer mines, which was expended in Portland, seems to have been quite well distributed in all kinds of business, but it was noticed that, as the placer mines passed their zenith, "the quartz mines, controlled by capital send their product abroad through narrow channels, so that little reaches the general public."⁴⁹ Still, the city had received such a marked accession of population, business, and wealth as to insure permanent and steady growth.⁵⁰

But the emporium of the northern mining movement, as she was the metropolis of that movement, was San Francisco. "Three-fourths of the great trains penetrating these gloomy forests," said the *Idaho World*, "and skirting the dreary deserts

⁴⁶ "I remember in 1861 when the drays were loaded going to the boats of the Oregon Steam Navigation Co. and stood in line it seems to me half a mile long; unloading at night so as to go on in the morning up the river." Deady, *His. of the Progress of Oregon after 1845*, MS. p. 37.

⁴⁷ *San Francisco Daily Bulletin*, Sept. 3, 1862. The firemen's organizations were important also at The Dalles and at Virginia City.

⁴⁸ *Id.*, April 8, 1864.

⁴⁹ *Id.* June 8, 1865.

⁵⁰ In 1866 a careful census estimated the permanent population at 6000. *Mineral Resources*, 1868, p. 581.

There was considerable rivalry between Portland and Victoria with regard to the trade of the interior, but Portland had decidedly the advantage because of better routes, particularly in the matter of grass. Victoria never succeeded in getting trade south of the line in the interior, while Portland sent goods far into British Columbia. On this see an editorial of *Victoria Gazette* in *S. F. Daily Bulletin*, Sept. 9, 1860.

with the rising sun in their eyes, are Californians.⁵¹ San Francisco had a trade with Victoria far exceeding that of England with the latter city; in the interior of British Columbia her goods were everywhere to be found; in Boise Basin her hold, though not undisputed by Chicago and St. Louis, was uppermost; and on the far confines of her commercial domains, at Virginia City and Helena, she did battle with St. Joseph and St. Louis.⁵² The quality of her goods was of the best and the goods were well adapted to the miners; her woollens and mining machinery were particularly in demand. In accordance with this demand, we may note that in 1867 the Pacific Rolling Mills were established at a cost of \$1,000,000 and that the Pacific Woolen Mills turned out annually a product worth \$500,000. The growth of the trade with the northern mining region was noted with satisfaction and its importance clearly seen.

In the matter of mining machinery San Francisco had some clear advantage over competitors. Machinery shipped from that city arrived at its destination much earlier in the season than than shipped across the plains. Of greatest advantage, however, was the fact that her machinists were personally familiar with mines and that improvements which were demonstrated successes could be much more quickly adopted there than in the East. San Francisco machinery, therefore, had little to fear from eastern competition in Idaho, but in Montana the great advantage of freight shipments by the Missouri gave her rivals, Chicago and St. Louis, the lead.⁵³

We perceive, therefore, that the product of the mines of the northern interior was very important in the upbuilding of wide trade and of many communities on the Pacific Coast. Let us

⁵¹ Oct. 14, 1865.

⁵² The imports into Victoria from San Francisco in 1861 were valued at \$1,151,000 as against \$457,000 from Great Britain; in 1862 the amounts were respectively, \$2,387,000 and \$703,000; in 1863, \$1,940,000 and \$1,294,000. Macfie, *Van Id. and Br. Col.*, pp. 106-7. The direct trade with the mother country was on the increase, but for these three years the totals were, respectively, \$5,478,000 and \$2,454,000.

San Francisco goods could compete in the early spring and late fall to advantage in Montana, but when the heavily laden steamers arrived competition was restricted to woollens, teas, and a few other articles. See thoughtful letter from Helena to the *Idaho World*, Feb. 3, 1866.

⁵³ *Ibid*; also, Richardson, *Beyond the Mississippi*, p. 507.

now inquire the national significance to the United States of this product and movement.

Of the wide effect of the development of these mining regions upon transportation I shall treat in the next chapter. It is a fact certainly worthy of attention, also, that during the progress of so great a struggle as that of the Civil War, vigorous new communities should have come into existence under the control of the Federal Government.

But I wish now especially to consider the significance of the treasure production upon the national welfare.⁵⁴ The opening up of new treasure fields was looked to with very great interest at the time, because their product was regarded as aiding the credit of the nation, helping to restore a specie basis, and, possibly, as directly contributing to the payment of the national debt. "The production of gold and silver in the United States", said the Banker's Magazine, "is one of the important financial and social questions of the day. We look to California and other states of the Pacific to yield, for some years to come, an abundant supply of these metals, with which to restore the country to a specie basis in its commerce with other portions of the world."⁵⁵ We can commence our calculations advantageously in the year 1861, when receipts of treasure in San Francisco from the mines of the northern interior began to be appreciable, and we can continue them through 1867, the year in which the United States Mining Commissioner, J. Ross Browne, aggregated estimates. The following table will give a general idea of the yields:

⁵⁴ I am conscious of the danger that a student of sectional history may overrate the importance of the section that he is studying. Not only may he be somewhat influenced in his judgments by the bias of special investigation, but also, possibly, by an unconscious promotive tendency. While this sort of study helps to bring into needed relief the history of sections, it nevertheless may over accentuate them. It may be, therefore, that after our American history has been sufficiently worked out by special sections and in special periods, re-valuation will be necessary by comprehensive historians.

⁵⁵ Vol. XX. 1865-6, p. 606. A thoughtful financier wrote that it was impracticable for the United States to carry on international exchanges when its money was depreciated currency, and suggested that one of the ways in which the United States was trying to overcome the evils of its currency in relation to foreign trade was by continuous augmentation of tariff rates; letter from Robert J. Walker, *Mineral Resources*, 1868, p. 664.

Year	Total Gold Product of U. S.	Gold Product of California	Silver Product of U. S.	Total Bullion Product of U. S.
1861	\$43,000,000	\$40,000,000	\$2,000,000	\$45,000,000
1862	39,200,000	34,700,000	4,500,000	43,700,000
1863	40,000,000	30,000,000	8,500,000	48,500,000
1864	46,100,000	26,600,000	11,000,000	57,100,000
1865	53,225,000	28,500,000	11,250,000	64,475,000
1866	53,500,000	25,500,000	10,000,000	63,500,000
1867	51,725,000	25,000,000	13,500,000	65,225,000
Total ...	\$326,750,000	\$210,300,000	\$60,750,000	\$387,500,000 ⁵⁶

Now, as we have seen, the total bullion product of the mining regions which we are studying, to the close of 1867, with some confidence may be estimated at \$156,111,000. In comparing this amount with the total product of the United States, however, some deductions must be made. British Columbia produced previous to 1861, \$4,648,000; moreover, not quite all of the British Columbia product was manifested through San Francisco although far the greater part was.⁵⁷ We have then, a total accretion of \$151,463,000 as the contribution of these mines to the national stock of bullion out of a total increase of \$387,500,000. That is, they produced in the years when the nation most needed increase of treasure production, not quite 40 per cent. of the total increase. Furthermore, this percentage is still higher, when gold alone is considered. Far the larger part of the increase in silver came from the phenomenal output of Nevada, and question was already being raised as to the effect upon values. But the product of the Inland Empire in these years, with the exception of the silver of Owyhee, was almost entirely gold; and the silver of Owyhee probably did not amount to over \$1,500,000, since much of the quartz was gold. We are reasonably safe, therefore, in saying that somewhat over 40 per cent. of the total gold product of the United States, at a trying financial period, came from the mining regions which we are studying.⁵⁸

⁵⁶ These figures are from *Mineral Resources*, 1874, pp. 543 & 4, by R. W. Raymond. He says that they are compiled from various sources and that the "aggregates are believed to be approximately correct". Some further figures from the same report in regard to silver production are startling: From 1848-1861 the U. S. produced silver to the value of \$800,000; from 1868 to 1873, inclusive, \$124,500,000. In the latter year the silver production lacked only \$250,000 of being equal to that of gold.

⁵⁷ There is no way to arrive at the exact amount of this deduction, and to that extent allowance should be made in our conclusions.

⁵⁸ It is significant, moreover, that this product came as reinforcement at a time when California's yield was steadily and markedly decreasing. See table above.

CHAPTER VIII

TRANSPORTATION

The subject of transportation might well have been treated under the heading of the preceding chapter, because the establishment of means of transportation and the capitalization of transportation were among the most important permanent forms in the utilization of the mining product. However, the subject is so large as to demand a separate chapter.

That the building up of transportation lines was a part of the permanent production of the mines is apparent when we consider that trade rushed to mining centres not because of high prices, but because of difference of price levels; and that the cost of transportation represented a large part of this difference. For example, a moderate difference is disclosed between Portland and Oro Fino in 1861 in the following figures:

	Portland	Oro Fino
Bacon	8-9c	35-40c
Flour	\$3.75-4.50	\$16-18
Tea	50c-\$1	\$1.25
Candles	28-30c	\$1.00
Nails	5¼-6c	33-37c
Beans	6c	25c
Sugar	11c	40c
Coffee	20-25c	45-50c ¹

The larger share of such difference in prices between Portland and the upper country, paid for out of the treasure product, fell to the principal intermediary, the Oregon Steam Navigation Company, and helped to capitalize that important instrument of transportation.

To remote places the charges for transportation were enormous. For example, the statement is made that a trader in 1862 took to the mines of Cariboo goods costing in Victoria about \$15,000,

¹ *Oregonian*, June 29, 1861.

upon which the customary and unavoidable charges before they reached their destination amounted to \$70,000. The charges from San Francisco to Cariboo, excluding customs duties, merchants' commissions, and retailers' profits, it was said, cost in 1863 \$1628 per ton, of which \$1440 was for land transport.² In view of such charges it was a wise policy in the British Columbia government to collect heavy revenues and to spend large sums on the roads. When the great trunk road from Yale to Cariboo was opened in 1864, freight fell from 60 cents to 30 cents per pound and in the next year to 15 cents.³ These figures give some conception of the heavy charges paid from the product of the mines.

With such returns in the transportation business, it is easy to understand that an army of packers, freighters, and stagecoach men were needed to carry passengers and goods from the heads of steamboat navigation to the widely scattered mines. Into the most remote localities and over trails of all grades and conditions came the pack animals with the tinkle of their bells and the shouts of their Mexican drivers.⁴ Packing was a trade, which required skill and strength. To swing a heavy pack upon an animal's back and to make it stay there was no light accomplishment.⁵ The pack animals were generally wintered in the lower and warmer valleys.⁶ It was not at all unusual for packers, as their business declined, to become stockmen and farmers. This business always weakened, when the improvement of roads,

² London *Times*, Aug. 8, 1863.

³ Harvey, Arthur, *A Statistical Account of British Columbia*, p. 11.

⁴ Trains were generally owned by Americans; but Mexicans, because of special skill, were generally, though not always, the packers.

⁵ "I must plead guilty to a sneaking admiration of 'packers' (muleteers) and teamsters. These men are wondrous results of the law of demand and supply; for the work demanded they have become thoroughly capable and that work demands strength, skill, daring, endurance and trustworthiness * * * Having to lift heavy weights sheer from the ground on to the pack saddle, 'packers' are very muscular men, with grand chests and shoulders. They have also many savage accomplishments: are good farriers, can accomplish marvels with the axe, a screw key and a young sapling for a lever. But they are a godless race both actively and passively. They earn considerable wages, and after a few years settle down in some of our beautiful valleys, surrounded by an Indian clientele." Report of Rev. James Reynard, *Occasional Papers of Columbian Mission*, 1869, pp. 63-4.

⁶ A good idea of Walla Walla as a packing centre may be got from Schafer, *History of the Pacific Northwest*, pp. 258-60.

bridges, and ferries permitted the use of freight teams.⁷ The tinkle of the bells was replaced by the gee-haw of the "bull-whackers" and the cracks of the teamsters' whips. From Yale to Cariboo, from Ft. Benton to Helena and Virginia City, from Umatilla or Wallula to Boise Basin long trains of slow-moving, heavily laden wagons were to be seen, carrying to the camps the wares of civilization.⁸

As to passenger movement, many of the miners walked from the heads of steamboat navigation to the mines. Others clubbed together and bought a horse to carry their impedimenta, while still others provided themselves with a horse for each individual. In other cases passengers were carried by saddle train, and this sometimes became an important business. The owners of a saddle train would furnish riding horses, carry a small amount of baggage, and provide provisions.⁹ Stage coaches, of course, came rapidly into use on all the most travelled thoroughfares. The main stagelines were those from Salt Lake City to Virginia City and Helena, from Salt Lake via Boise and Walla Walla to Wallula, and from Yale to Barkerville. Ben Holladay in Idaho and Montana, as elsewhere in the west, was dominant, having a clear advantage because of his contract for carrying the United States mails. We get a glimpse of the spirit of the times in the *Song of the Overland Stage*, written by Nat Steen, one of the employes of Holladay's Company:

"It's thus you're safely carried throughout the mighty West,
Where chances to make fortunes are ever of the best;

And thus the precious pouches of mail are brought to hand,
Through the ready hearts that center on the jolly Overland."

⁷ The coming in of freighters, between Umatilla and Boise Basin reduced slow freight from ten and twelve cents per pound to six and eight cents, Hailey, *Hist. of Idaho*, p. 99.

⁸ One gets a suggestion of the amount of goods transported by teams into mining regions from the advertisement of a wholesale firm in Virginia City, Baume, Angevine and Merry, who in 1864 advertised for sale 500 boxes of tobacco, 250 bbls. of liquor, 1500 sacks of flour, 500 lbs. of ham, 10,000 lbs. of bacon, 400 cans of lard, 50 bags of coffee and 100 kegs of nails; *Montana Post*, Sept. 24, 1864.

⁹ For a good description of this phase of transportation, as well as running a stage line, one should not fail to read chapter XII, XIX and XXV of Hailey's *History of Idaho*. These chapters are based on experience and show intimate knowledge.

Chorus.

"Statesmen and warriors, traders and the rest,
May boast of their profession, and think it is the best;
Their state I'll never envy, I'll have you understand,
Long as I can be a driver on the jolly Overland."

But Holladay was not without competition. A. J. Oliver and Company started the first stage from Virginia City to Bannack,—
"A weekly affair, not much good, but a long way ahead of nothing."¹⁰ This line was extended to Helena, and, when Holladay came on the scene, the rivalry was intense. For awhile the fare between the two places was one dollar, and the distance, one hundred and ten miles, was made in twelve hours or less, the horses being kept at a hard gallop.¹¹ Some of the best staging in the United States was done between Virginia City and Helena.¹² There was competition, also, on the southern route, where Ish and Hailey carried on a careful and prosperous line between Boise and Umatilla.¹³

One of the most interesting and important aspects of transportation in the mining regions was the express business. Into every most remote camp, months before the mail was established, pushed hardy carriers bearing with them the longed for news of the war and the letters "from the dear ones in the distant homes—letters in which the kisses are yet warm and the heart beats yet audible."¹⁴ The life of the expressman was particularly hard in the winter time, when, guiding himself often by compass, risking snow blindness, often camping for the night in the snow, he made his way with the utmost fidelity to the lone

¹⁰ Remarks of Judge W. Y. Pemberton, of Helena.

¹¹ *Ibid.*

¹² "The best staging in the United States", Richardson, *Our New States and Territories*, p. 70.

¹³ Other local lines were those of Greathouse & Co. from Boise City to Idaho City and of Hill Beachy from Boise City to Silver City. Later a stage was run from Silver City to Virginia City, Nevada, and another (by Capt. John Mullan) from Silver City to Red Bluffs, California. There was a good deal of effort to get a feasible direct connection between Idaho and California, and it was partially successful.

¹⁴ Goulder, *Reminiscences of a Pioneer*, p. 216.

camp. Such a man was David D. Chamberlain, who carried letters at a dollar apiece from Walla Walla to East Bannack during the winter of 1863-4.¹⁵ Another was Joaquin Miller, afterwards to become famous as poet, who rode express from Walla Walla to Salmon River.¹⁶ This business was soon taken up by companies. There were a number of small concerns such as that of Ballou in British Columbia.¹⁷ But the great company, whose offices were to be found in every large town, whose messengers travelled on almost every steamer, or sat by the driver on almost every stage, was Wells, Fargo and Company. They were ubiquitous in the mining regions, both north and south of the Line, and a very large proportion of the treasure reached the outer world through them.¹⁸

For the mail, of course, there was very great urgency. Petitions from territorial legislatures for establishment of new mail routes as new camps were formed, were very numerous. The government of British Columbia was more tardy in responding to the need for mail facilities than were the United States authorities.¹⁹ But in both regions the mail served to tie the new communities to the old seats of civilization. A thousand tendrils ran back to friends, relatives, and sweethearts in the East and in Britain and kept alive sentiments in danger of being blurred in the new life. The over-emphasis upon the adventurous, rough, romantic side of the miners' lives has neglected this very strong influence; one who reads some of the letters to the miners telling the little nothings of neighborhood doings, or sometimes bringing solemn announcement of death of loved ones

¹⁵ *Sketches of Early Settlers in Montana* by Col. W. F. Sanders, MS.

¹⁶ For the experiences of Miller see a *Pioneer Pony Express Rider*, Chap. X of *Illustrated History of Montana*, published by Lewis Pub. Co. The first part of this book was written by him.

¹⁷ Ballou's *Adventures* are found in MS. in the Bancroft Library. They may be fairly trustworthy as to the express business, but in other matters they are evidently gasconade.

¹⁸ The student of history longs to get at the records of Wells, Fargo & Co. Its history would make excellent material for a monograph.

¹⁹ There were eight post offices in British Columbia, Dec. 31, 1863. The total expenditure was 3291 pounds and the total income 749 pounds. One half of the mail carried was that of the Government. The Post Master General wanted a monopoly in the Government in order to restrain private carriage; Report of Post Master General, *Govt. Gazette*, Feb. 5, 1864.

back home, gets a finer conception of the real life of the miners than that typified by the six-shooter. There was demand, also, for the telegraph, and before 1870 the principal towns both north and south of the line were connected with the outer world by this means. Thus the constant tendency in these far-away communities was towards better facilities of communication.

For land transportation of every species roads, ferries, and bridges were very necessary. We who are so accustomed to such conveniences now can scarcely imagine under what difficulties the pioneers labored in trying to provide them in a country of great distances, swift streams, and mountainous grades. We have noted how manfully and successfully Governor Douglas attacked the great problem of roads to Cariboo. In British Columbia there was less resort to private parties, with special charters, than there was in the territories to the south. Every legislature in these territories was besieged for special charters for roads, bridges, and ferries, and they were granted in large numbers. Men who obtained a monopoly of ferriage over a stream otherwise impassable, and on the main road to a large mining camp, were sure of making money.²⁰ On the other hand, as an old pioneer expressed it to me, "We had to have roads and bridges and ferries, we had no money, and how were we to get them?"²¹ The construction of roads and trails was often very expensive and the season for heavy travel short.²² Still, the aggregate of toll charges was a serious expense. For example, the tolls for the round trip from Umatilla to Boise cost ten dollars for each animal.²³ Governor Ashley, of Montana, said in his message of 1869 that the tolls from Helena to Corinne, Utah, were forty dollars for each team.²⁴

Important as was the land transportation, however, it had not the significance of the steamboat navigation. Steamboating entered upon a new phase in its efforts to serve the wants of the

²⁰ At Craig's Ferry at Lewiston in 1862, Mrs. Schultze found waiting "500 men, much freight, and hundreds of mules and horses."—*Anecdotes of Early Settlement of northern Idaho*. MS. p. 2.

²¹ Remark of Judge W. Y. Pemberton.

²² Hailey, *His. of Idaho*, p. 30.

²³ *Id.* p. 62.

²⁴ *Contributions to His. Soc. of Mont.* Vol. VI, p. 279.

mines of the Inland Empire. Never before in history had steamboats penetrated so far from lands of settled habitation, nor encountered such risks, as they did on the long stretch of the upper Missouri, with its bare and tortuous channels, or on the swift waters of the Columbia and the Fraser, with their snags and rapids.

Let us consider separately the navigation on each of these streams.

On the last named, navigation may be said to have extended from Victoria to Yale.²⁵ A steamboat was also placed upon the upper Fraser from Quesnelmouth to Soda Creek. Men were charmed then as they are now by the beauty of the scenery—the islands of the Gulf of Georgia, Mount Baker towering in the distance, the thickly wooded banks of the lower Fraser, and the increasing majesty of the bluffs further up. Still more beautiful was the trip up Harrison Lake. So matter-of-fact a man as J. C. Ainsworth, chief organizer of the Oregon Steam Navigation Co., wrote concerning the first steamboat trip into this lake: “We were running along just at dusk of a warm day in July—it must have been nine o’clock in the evening—when all at once we opened into this great lake twenty-four miles long and four or five miles wide, surrounded by those beautiful mountains and the full moon was rising right from the lake. Well, I never saw men so affected by excitement in my life.²⁶ They were greatly affected by the grandeur of the scene. Well, it would have excited anybody. I partook of some of the excitement myself.”²⁷ As captain and owner of the vessel, however, he prudently restrained himself and ran this first passage cautiously.

It was Americans, indeed, who owned and ran most of the Fraser River steamboats. The Hudson’s Bay Company at the commencement of the mining advance had two small steamers, which ran to Hope; but they were dirty, and the meals were poor.²⁸ It was an American steamer, the Umatilla, that first dared to encounter the swift current between Hope and Yale. The

²⁵ Also up Harrison River and Lake.

²⁶ There were seventy miners aboard.

²⁷ *Statement of Capt. J. C. Ainsworth*, MS. p. 16.

²⁸ *San Francisco Daily Bulletin*, Feb. 6, 1861.

strength of the current in this stretch of about fifteen miles is revealed by the fact that it took six hours to go up, and half an hour to come down.²⁹ British travelers marveled at the recklessness of the Americans. The vessel on which Mr. Macfie journeyed from Hope to Yale, although the steam pressure was way beyond that allowed by law, for twenty minutes at one place appeared to make no progress; the captain and other Americans on board made bets as to the issue and coolly discussed the chances of an explosion.³⁰ The characteristic indifference of Americans with regard to human life came out in a conversation shared by Mr. Macfie, when the inquiry was put to a Yankee as to the safety of a certain steamer: "She may do very well for passengers," was the reply, "but I wouldn't trust treasure in her."³¹ On the other hand, the British admired the cleanliness of the American boats, the abundance and goodness of the provisions, the superiority of the service, and the comfort of the cabins.³²

The history of steamboat navigation on the Columbia River during the period of the mining advance is the history of the Oregon Steam Navigation Company. And the history of this company is of a peculiar interest and importance both from the point of view of the development of the great mining area whose transportation it controlled, and as a concrete and simplified example of monopolistic methods; but the details of its history have been so adequately presented elsewhere, that I shall attempt to touch only salient features.³³ The *sine qua non* of the company was the control of the portages at the Cascades and the Dalles. At first various individuals and groups owned what facilities there were at these places and also the steamboats be-

²⁹ Macfie, *Van Id. and Br. Col.*, p. 232.

³⁰ *Id.*

³¹ *Id.*

³² Hazlitt, *Cariboo*, p. 78. A noted American boat was the Wilson G. Hunt, which had before seen service on the Sacramento and was later transferred to the Columbia. The steamer on which Ainsworth went into Lake Harrison had been built on the Columbia above the Cascades, but by misadventure had gone over. Ainsworth bought an interest in her and took her to British Columbia. *Statement*, p. 14.

³³ Poppleton, Irene Lincoln. *Oregon's First Monopoly, Quarterly of the Or. Hist. Soc.* Sept. 1908, Vol. IX, No. 3, pp. 274-304. A bibliography is appended, to which may be added the *Statement of Capt. J. C. Ainsworth*, MS. in the Bancroft Collection and item in *Mineral Resources*, 1868, pp. 579,-80.

low, above, and between. Far sighted individuals emerged from these contending groups, who by patience, tact, and pressure brought about consolidation into one company. Then we have clearly the characteristics of monopolistic control: deft, though not clearly blameworthy, handling of legislatures; extremely high rates, all that the traffic would bear; strong attempt at competition, and obnoxious methods of stifling it; popular resentment and distrust; swift aggregation of capital, as civilized society took possession of the vast tributary area; prudent and skillful management, notable efficiency and enterprise:—in fact, real industrial leadership. Steamboat navigation of the time reached its highest point in the powerful boats, nicely responsive to the steersman's touch, which surmounted the rapids of the Columbia and the Snake.³⁴ The appointments of the boats were first class, the meals good, and everything was clean and neat. The enterprise of the company is shown in the way in which it put boats on remote navigable stretches. On the upper Columbia it owned the Forty Nine; on the Clark's Fork of the Columbia and Lake Pend d' Oreille it had the Mary Moody and two other boats; on the upper Snake in southern Idaho it built the Shoshone at an expense of \$100,000, in order to try to get some of the Salt Lake trade.³⁵ Far-reaching enterprise, efficiency, and monopolistic grasp were, therefore, the outstanding characteristics of the Oregon Steam Navigation Company.

There could be no such monopoly in the steamboat navigation which served the mining regions by way of the upper Missouri. Starting with the Chippewa in 1859, from two to eight boats ascended the river each year from 1860 to 1865 (except 1861); then the Sioux hostilities on the Bozeman Road from 1866 to 1868, coinciding with much industrial activity in western Mon-

³⁴ A Trip from Portland to Boise, *S. F. Daily Bulletin*, June, 25, 1864, gives some interesting facts about these steamers and their work.

³⁵ *Statement of Ainsworth*, p. 24.

The Mary Moody was built in 1865. In four months from the time the first tree was felled for her, she was launched. "She was 108 feet in length, 20 feet beams, and was 85 tons burden and constructed entirely of whipsawed lumber." Sketch by Judge Frank H. Moody, *Contr. His. Soc. Mont.* Vol. II, p. 104. This attempt to navigate the Upper Snake failed, and the Shoshone ran the frightful cañons to Lewiston. In the history of steamboating in the United States it would be hard to parallel this perilous feat.

tana, suddenly raised the number to thirty-one in 1866, thirty-nine in 1867, thirty-five in 1868 and twenty-four in 1869.³⁶ These years marked the high tide of the river traffic, for it swiftly sank as the Union Pacific arrived at competing distance. Some idea of its dimensions are gained from statistics. In 1867, 8061 tons of freight were carried to Ft. Benton and some 10,000 passengers. As the latter paid \$150 fare each, the total for passenger transport alone amounted to \$1,500,000.³⁷ The profits were so great as to more than make up for high rates of insurance and the occasional loss of a steamer—Captain La Barge in the *Octavia* is reported to have cleared \$40,000 from one trip in 1867 and the profits of other vessels in the previous year are reported at from \$16,000 to \$65,000.³⁸ The dangers and trials of the steamboat men, however, were many and various. From St. Louis to Ft. Benton the distance was 2300 miles, and there stretched from the verge of the settlements (near Ft. Randall) over 1300 miles of little known river.³⁹ Snags forbade running at night, except at great risk; numerous bars had to be “grasshoppered” over by sparring; wood was hard to get and very expensive; boilers and pilot houses had to be bulwarked; constant guard had to be kept against Indian attacks; there were dangerous and trying delays due to falling water. Sometimes throngs of buffalo crossing the river caused a halt.⁴⁰

The destination to which these steamboats struggled was a straggling village near the old adobe fort of the American Fur Company, Ft. Benton. On the crowded levee of this village (called, also, Ft. Benton) was piled a mass of varied merchan-

³⁶ *Contr. Mont. His. Soc.* Vol. 1, 317-325. An excellent account of the Sioux war along the Bozeman Road is found in Paxson, the *Last American Frontier*, Chap. XVI.

³⁷ *Report of Capt. C. W. Howell*, Ex. Doc., House Rep. 3d. Sess. 40th Cong., Report Sec'y. War, p. 622 ff; reprinted in *N. Dak. State His. Soc. Collections*, Vol. II, pp. 379-91.

³⁸ Chittenden, H. M. *History of Early Steamboat Navigation on the Missouri River*, Vol. II, pp. 275-6.

³⁹ Hanson, *The Conquest of the Missouri*, p. 64. Chap. IX of this work is particularly commendable.

⁴⁰ *Journal of Capt. C. W. Howell*, Ex. Doc. H. R. 3d. Sess. 40th Cong., pp. 634-54; reprinted in *N. D. His. Soc. Col.* Vol. 11, pp. 392-415. To the authorities on the navigation of the upper Missouri, which have been mentioned in our text should be added logs of various steamers, found in *N. Dak. His. Soc. Col.*, Vol. II, pp. 267-271.

dise. For the interior points there were boxes of drygoods and clothing, barrels of liquor, sacks of provisions, cases of mining tools, and quartz mills; for the down trade there were buffalohides and peltries of all sorts. Every warehouse was jammed with goods, and private dwellings were used as warehouses. The safes of the town were taxed to their utmost capacity to store gold dust as it was brought in, and precious packages were sometimes carelessly left in stores. One steamer bore away \$1,250,000 in gold. In the streets of the town was a throng of varied and picturesque humanity: lumbermen from Minnesota and farmers from many parts of the great valley; confederate sympathizers from Missouri and Union men from the Western Reserve; miners from the Pacific Coast and "fur-traders and hunters of the vanishing Northwestern wilderness", Indians of many tribes; desperadoes and lovers of order; miners, traders, clergymen, speculators, land-seekers, government officials—all the exuberant array of the American frontier. Freight wagons, consisting of two or three wagons coupled together, and drawn by a dozen or more oxen or mules, rumbled ceaselessly through the streets. Not less than six hundred outfits participated in this traffic. The area to which it ministered was extensive; not only did the Ft. Benton trade supply the wide semicircle of the camps of Western Montana, but in its outer limits it touched British Columbia, Calgary, and Edmonton.

Another interesting phase of the business of Ft. Benton, the mackinaw fleet, is described by an able writer as follows:—"The steamboat season over and the freight distributed, the mackinaw season set in. At all seasons of the year when the river was open mackinaws were to be found descending it; but it was in September that the great rush commenced. Then, as winter approached, the successful miners who had accumulated wealth and the unsuccessful who were discouraged and disheartened bestirred themselves to escape from the country. Thronging to Ft. Benton they rendered the levee the scene of renewed activity. Scores of rough boats sprang into existence and day after day they would push off with a crew of from half a dozen to thirty and forty souls, sometimes single, sometimes in flotillas, and drop down the river to various points from Sioux City to Saint Louis.

"In the neighborhood of 200 boats and 1200 passengers would thus sail from Benton annually. These boats were usually broad, flat-bottomed crafts, with square sterns and roughly built, to be sold as lumber or abandoned at the end of the voyage. They were supplied with oars and sometimes sails, but the rapid current of the river was relied upon for the main progress * * * Under favorable circumstances a hundred miles a day was accomplished in these vessels. Frequent running aground, danger from Indians and occasional shipwrecks were among the incidents of the voyage, and the party was fortunate that got through without any mishap."⁴¹

In addition to the emigrants who went to the mining regions from the East on the Missouri steamboats, there was a very large movement by the overland trails: "It was estimated that the migration in 1864 from the one town of Omaha amounted to 75,000 people, 22,500 tons of freight, 30,000 horses and mules, and 75,000 cattle, while all authorities seem to agree that the total migration from all the Missouri River towns, through Kansas and Nebraska by all routes, equaled 150,000 people."⁴² Of this number certainly a very considerable proportion was destined for the northwest mines. Rev. Jonathan Blanchard thought that two-thirds of the twenty-four thousand immigrants who had preceded him in 1864 on the trail to Laramie were bound for Idaho.⁴³ While thus the old Oregon trail, because of its

⁴¹ Bradley, Lieut. Jas. H., *Effects at Ft. Benton of the Gold Excitement in Montana*, MS. Besides this article, I have used for the last two paragraphs, Hanson, *The Conquest of the Missouri*, Chap. X and Ferguson, H. A. V., *Ft. Benton Memories*, MS. Mention should also be made of Chittenden, H. M., *The Ancient Town of Ft. Benton in Montana*. See also Campbell, J. S.; *Six Months in the New Gold Diggings*, who says, "During the past season (1864) an immense emigration, unprecedented by none save the early rush to the Eldorado of the Pacific, has swelled the mountain gorges and valleys of Montana." It was thought that between 75,000 and 100,000 persons visited Virginia City in 1864, of whom probably four-fifths returned to the States. (pp. 4 & 5) The advertisements in Campbell give an idea of the far-reaching stimulus to eastern commercial ganglia and to railroads which the mining regions gave. Merchants of Council Bluffs, Omaha, St. Joseph, St. Louis and Chicago advertise their facilities for outfitting or for furnishing manufactures; while the Hannibal and St. Joseph, the Chicago and St. Louis, the Michigan Central and the Pennsylvania Lines call attention to the advantage of making the first part of the trip to the mines over their routes.

⁴² Fite, *Social and Industrial Conditions in the North during the Civil War*, p. 39.

⁴³ *Id.*, p. 38.

good grass and comparatively easy grades, maintained a clear supremacy among the overland routes, two other routes are of special interest from the point of view of this study. These are the northern route to Montana and the route to British Columbia.⁴⁴

It was the Salmon River excitement of 1861-2 that first started migration by the northern route from Minnesota. In that year two large parties made their way over the plains from rendezvous on the Red River of the north. The first started from St. Joseph (now Walhalla, N. D.), and the other from Ft. Abererombie; both went by way of Ft. Union.⁴⁵ The second was under the command of Capt. Jas. L. Fisk, to whom this duty was assigned by the Secretary of War, and one of Fisk's assistants was N. P. Langford.⁴⁶ Fisk's work was of the same nature as that performed by Capt. Medoram Crawford in the same year on the southern route: "To afford protection to these emigrants, and at the same time test the practicability of this northern route for future emigration", were stated to be the objects of the expedition. It consisted of 140 persons, most of whom were Minnesota frontiersmen. In constructing bridges these expert lumbermen would swim the streams, hats on head and pipes in mouth, in order to float the logs to place, and handled the axe and the spade-like playthings. The numbers of buffalo seen on the way were prodigious, Fisk estimating the number seen in one day at 100,000. The party arrived safely at Ft. Benton, but instead of proceeding to Salmon River scattered to the newly discovered diggings of western Idaho.⁴⁷

In spite of the Sioux outbreak of 1862 another successful expedition under Capt. Fisk was made in 1863.⁴⁸ The expedition of 1864, however, failed to go through, being attacked by Indians in the Bad Lands, from whom it was rescued by troops of General Sully. Another under Fisk, unsupported by the govern-

⁴⁴ The Bozeman road may be regarded as a branch of the Oregon trail.

⁴⁵ For account of the first see N. Dak. *His. Soc. Collections*, Vol. II, pp. 75-78.

⁴⁶ Author of *Vigilante Days and Ways* and important promoter of Yellowstone Park, now a resident of St. Paul. *The World Today*, May, 1911, pp. 598-99, gives an account of Mr. Langford's personality and work.

⁴⁷ A reprint of Fisk's report (Ex. Doc. No. 80, 37th Cong., third Sess.) is in N. Dak. *His. Soc. Col.* Vol. II, App. pp. 34-72.

⁴⁸ *Id.*, App. pp. 78-85.

ment, took the shape of an imposing scheme for the promotion of town-building and mining on the Upper Yellowstone, but this expedition failed to materialize. The last of Fisk's expeditions, that of 1866, "was different from any of the preceding in its larger size, in the absence of government aid and from the fact that for many it was a commercial venture, not a gold hunting trip."⁴⁹

In all of these expeditions St. Paul took an active interest. Indeed, from the very beginning of the mining rushes the business men of this city planned for overland routes, for connection with the Red River of the North, and for development of trade with the Selkirk settlements and the regions beyond. The Chamber of Commerce of St. Paul "declared that the city's whole commercial future was projected with the far Northwest in view."⁵⁰

When we consider the overland route to British Columbia, we come likewise upon large conceptions and the beginnings of great things. Immediately upon the organization of British Columbia, Sir Edward Bulwer Lytton "proclaimed in the name of the government, the policy of continuous colonies from Lake Superior to the Pacific and a highway across British America as the most direct route from London to Pekin or Jeddo."⁵¹ From this time onward there was constant discussion in British Columbia, Canada, and Great Britain concerning the Great Inter-oceanic Railway.⁵² Attention was called to the possession of fine ports at either end of the line—Halifax and Esquimaux—and to great coal deposits near them. At least one man, however, with remarkable prescience, thought that Burrard's Inlet, the present

⁴⁹ *Id.*, p. 450. Original documents concerning the last three expeditions are found in works cited, pp. 442-461. In addition to the desire to hunt gold, immigrants from Minnesota were impelled by general discontent of the border counties in the years following the Sioux outbreaks and the Civil War. On this aspect consult Hilger, David, *Overland Trail, Con. His. Soc. Mont.*, Vol. VII, pp. 257-270.

⁵⁰ Fite, *Social and Industrial Conditions during the Civil War*, p. 69. See also *Puget Sound Herald*, Sept. 10, 1858.

⁵¹ *Relations between the United States and N. W. British America*, Ex. Doc., 37th Cong., 3d. Ses., Exhibit D., St. Paul, April 17, 1861, p. 27.

⁵² The titles of two books of the time are suggestive: Rawling's *America from the Atlantic to the Pacific* and Milton and Cheadle, *The Northwest Passage by Land*.

location of Vancouver, was destined to be the great port of the Pacific, rather than Victoria.⁵³ Rivalry with the United States in the building of a transcontinental line was a conspicuous motive, and mention was made of the desirability of the railroad in case of war with the United States. The designs of France in Mexico, also, were regarded with suspicion and it was suggested that one object of the French Emperor in acquiring Mexico was to bid for the Oriental trade by building a railroad from Vera Cruz to Acapulco and putting on a line of steamers from the latter port to China and Japan.⁵⁴ The importance of the Red River settlements and of the great country westward from them was dilated upon, and Lytton wanted to erect these into an independent colony; but the Hudson's Bay Company possessed these lands by charter (not by license to trade, as in the case of British Columbia), and the Company naturally was slow to fall in with changes which might interfere with the fur trade.⁵⁵ A project more generally favored than that of making the Selkirk settlements a Crown colony was that of incorporating them into a union of all the British North American possessions. All of these plans received fresh impulse when, in 1862, the magnificent Cariboo field put British Columbia finally on its feet, and the announcement was made of the discovery of gold on the upper Saskatchewan. British Columbia was to be another California and the Saskatchewan field another Colorado. It is important for the student of the history of these movements to realize in addition to the really remarkable achievements of the period, the glamour and enticement of the seemingly roseate immediate future.

While full fruition of these aspirations was to be postponed for another generation, some interesting and important steps

⁵³ "I have more than once discussed the feasibility of this grand scheme with Colonel Moody, of the Royal Engineers—a question in which he felt great interest. His fixed idea always was that Burrard's Inlet, from its situation, depth of water, and other natural advantages, was destined to be the great emporium of commerce on the Pacific, at the terminus of the railway." Barret-Lennard, *Travels in British Columbia*, pp. 181-2.

⁵⁴ Macfie, *Van. Id. and Br. Col.* pp. 367-8.

⁵⁵ Report of Sir Edmund Head, Governor of the Company, Macfie, *Van. Id. and Br. Col.* pp. 54-55. The company, however, shipped wire to the Selkirk settlement for a telegraph line to British Columbia.

were taken in the decade following the founding of British Columbia. The year 1859 witnessed the beginnings of steam-boat transportation on the Red River of the North, when a steam-boat was brought across from the upper waters of the Mississippi and launched in Red River as the Anson Northrup. In the same year the Hudson's Bay Company established a town on the Minnesota side about fifteen miles north of the present Fargo, North Dakota, and named the new town Georgetown in honor of Sir George Simpson, then Governor of Rupert's Land. A stage line was put on by Burbank & Company between Georgetown and St. Paul. A second boat, The International, was built at Georgetown and launched in 1862. Its motto was "Germi-naverunt speciosa deserti," and on its first trip it took 150 miners enroute for Cariboo.⁵⁶

For the organization of the overland route two interesting companies were promoted and chartered. The one, whose chief projector was Mr. W. M. Dawson, was called The Northwest Transportation Company. Its mainspring was in Canada, where there was eager desire for participation in the traffic with British Columbia.⁵⁷ This company proposed to establish steam communication with Ft. William, at the head of Lake Superior, and then to place half-a-dozen small river steamers on the chain of rivers and lakes which run from that to the foot of the Rocky Mountains with a few easily surmounted portages.⁵⁸ The last phase suggests the inadequacy of the conceptions with regard to the new regions which was even more conspicuous in the English plans of the time than in the Canadian. In England there was largeness and elaborateness of projection in regard to the new countries and the ways of getting there, but also a certain fumbling incapability of execution or of grasping real conditions, which was in marked contrast to the straightforward, quickly adjustable enterprise of Americans. It was simply the difference, of course,

⁵⁶ The foregoing data are from a *Sketch of the Northwest of America* by Mgr. Tache, Bishop of St. Boniface in 1868. We should not over rate the part of the mining country in bringing about these beginnings of transportation because the time had about arrived, anyhow, when the Selkirk settlements had to have better communications with St. Paul.

⁵⁷ *Canadian News*, Mar. 20, 1862, quoted in Hazlitt's *Cariboo*, pp. 92-3.

⁵⁸ Hazlitt's *Cariboo*, pp. 105-6.

between those who were familiar with conditions and those who were not. This characteristic was well illustrated in the *British Columbia Overland Transit Company, Ltd.*, which was organized in London with a proposed capital of half a million pounds and an imposing directorate of "eminent" and "respectable" names. The object was "to establish a transport system for mails and passengers by carts and relays of horses" to British Columbia. The route was to be by Montreal, St. Paul, Pembina, Carlton House, and Edmonton. The time from England to the gold diggings was to be about five weeks. In regard to this time a correspondent of the *Times*, "Canada West", wrote that the shortest time would be three months, more likely four or five, and perhaps all winter. To this Secretary Henson, of the company, replied that "'Canada West' proves that his calculations are based on thorough ignorance. For instance, he gives ten days from St. Paul to Red River; whereas two days is the time now occupied by the steamers which run on the Red River from Georgetown to Ft. Garry." [The Secretary seemed to think the distance from St. Paul to Georgetown negligible.] "Canada West" replied that last season he had journeyed from St. Paul to Georgetown, that the trip occupied four days, and that thence to Ft. Garry by steamer took three or four days more. Still another correspondent sent a letter from his brother stating that he had made the trip from Red River to Victoria, but that it had taken seven months and that he had nearly starved to death on the road.⁵⁹ Several parties of considerable size did go through to Cariboo from St. Paul by the overland route, most with success, but some with death and suffering. The *Victoria Colonist*, however, summarized the route by saying that the way was easy to the Rockies, but extremely difficult thence to Cariboo, and that there was a tendency to go down the Columbia via Colville and Portland.⁶⁰ The Overland Transit Company seems to have vanished without accomplishing anything. The signifi-

⁵⁹ These letters are republished in *McDonald, Br. Col. and Van. Id.* pp. 403-417. Their details seem unimportant, but they illustrate the interest taken in England in the projected route.

⁶⁰ Barret-Lennard, *Travels in British Columbia*, pp. 187-198; *London Times*, Jan. 1, 1863; *San Francisco Daily Bulletin*, Aug. 1, 1863; McNaughton, Margaret, *Overland to Cariboo*, (a journey of 1862).

cance of all these attempts and aspirations lies in their realization in the great railway system which, in a unified Canada, stretches from the Atlantic to the Pacific,—the only complete interoceanic railway.

There remains to be considered the ocean routes by which immigrants went from England to British Columbia. Most of the many books published in the mother country at this time concerning the new colony discuss the routes thither, compare cost of passage and give detailed directions.⁶¹ In this respect they were like the numerous emigrants' guides in the United States. The two routes most favorably mentioned were the one by way of St. Thomas, Panama, and San Francisco, which was held to be the shorter, but the more expensive; and the other around the Horn, which was thought to be the cheaper and more suitable, therefore, for families. Alternative routes were to go to New York and thence to Aspinwall, or to proceed from the former city across the continent. The whole transportation business from Panama to San Francisco and from there to Victoria was controlled by Americans—a fact deplored in the British Colonies, particularly with respect to the mails.⁶²

The effects of the mining advance into the Inland Empire, it may be safely asserted, were widely distributed among agencies of trade and transportation. Perhaps the movement in this respect might be likened to an immense spider's web, throwing out from a central area of intense activity far reaching cords.

⁶¹ For example, Macfie, *Van. Id. and Br. Col.* pp. 519–26; Rattray, *Van. Id. and Br. Col.* pp. 177–82.

⁶² The cost of transportation to British Columbia was greater than to any other British Colony. Passage from London to New Zealand or Cape of Good Hope cost £20 and to Australia £16, whereas to Victoria, via the Horn it cost £30 and via Panama £77; colonization circular issued by Her Majesty's Emigration Commissioners, in McDonald, *Br. Col. and Van. Id.*, p. 469.

PART III

SOCIAL ASPECTS OF THE MINING ADVANCE

CHAPTER IX

COMPONENTS AND CHARACTERISTICS OF SOCIETY

The elements of population which composed the mining advance will be the first subject of inquiry in this chapter.

One fact stands out prominently, and that is that the population was very heterogeneous. In addition to an original basis of French half-breeds and of mountain-men, representatives from all parts of the United States and from every quarter of the globe were to be found,—Americans, Canadians, Englishmen, Germans, Frenchmen, Italians, Spanish, Chinese, Mexicans, Chilanos, Australians, Hawaiians. One observer of the throngs wrote: "Within a few hours, I have met in the streets of Victoria persons who had respectively crossed the Andes, ascended Mont Blanc, fought in the Crimea, explored the Northwest passage, seen Pekin, ransacked Mexican antiquities, lived on the coast of Africa, revelled in the luxuries of India, witnessed Sepoys blown from British guns, wintered in Petersburg, and engaged in buffalo hunts on the great prairies of North America."¹ In estimating the intelligence of the mining population account should be taken of the extensiveness of the miners' travels and of the diversities of their contacts.

As to the proportions of the different elements in the population we may gain some general ideas, but we can arrive at no precise figures. When the first steamer from San Francisco arrived at Victoria in the Fraser River rush, she had on board 400 men enroute for the mines; of this number there were about sixty British subjects, with an equal number of native-born Americans, the rest being chiefly Germans, with a smaller proportion of Frenchmen and Italians.² *The Victoria Gazette* stated

¹ Macfie, *Van. Id. and Br. Col.*, p. 412.

² Despatch of Gov. Douglas, Cornwallis, *New Eldorado*, p. 357.

that, of the whole number of passengers carried up to July, 1858, by the *Surprise*—the principal steamer then running up Fraser River—nearly one-half were Irish and a large proportion Italian and French, but added that in July more Americans were coming. The proportion of Irishmen was particularly noticeable, also, in southern Idaho. The population at The Dalles (which was an index to that of the upper country) was said to have been composed of "Saxon, Celt, Teuton, Gaul, Greaser, Celestial and Indian".³ Statistics from Port Douglas, in British Columbia, give the following data for a population numbering 206.

Coloured men	8
Mexicans and Spaniards	29
Chinese	37
French and Italians	16
Central Europe	4
Northern Europe	4
Citizens of the United States.....	73
British subjects	35 ⁴

A census of Ft. Hope in 1861 showed 55 British subjects and 111 foreigners. It is certain that in British Columbia during the mining period the British element in the population was greatly in the minority, and that the largest single ingredient of population was furnished by citizens of the United States.⁵ Moreover, a very large proportion of the men engaged in the mining rushes—possibly not far from one-half—were not Americans or Britons; and, furthermore, of those styled Californians, (and hence Americans) a very large proportion were of other than Anglo-Saxon nativity. If these facts be true, then we may fairly raise the question whether the enterprise, adventurousness, and adaptability which were characteristics of the mining population—and, especially the spontaneity which was shown

³ San Francisco *Bulletin*, Nov. 13. 1862.

⁴ Paper by Rev. Mr. Gammage quoted by McDonald, *Br. Col. and Van Id.*, p. 166.

⁵ "Our American friends especially are our pioneer miners, our principal traders and our chief packers." *Colonist*, Jan. 2, 1862. "The tone of society has become decidedly more British since 1859; but still, as then the American element prevails." Macfie, *Van. Id. & Br. Col.*, p. 379.

in working out the laws of the mining camps,—were quite so peculiarly Anglo-Saxon as has been thought.⁶

While the mining camps were very heterogeneous in population, still, certain elements are more conspicuous in some places than elsewhere. In British Columbia, after the opening of Cariboo, English, Cornish, Scotch and Welch were to be met with more numerously than in other parts of the mining areas. So, too, Oregonians (and men from the Sound) were distinguished in the Nez Percés mines, Missourians and Pike's Peakers in Boise Basin, and people from Minnesota in Montana. This does not mean, of course, that other elements were not present in all these camps. In the Montana camps, in particular, there was a curious mingling of eastern "tenderfeet" and western "yon-siders", who were amused at each others' lingo; the tapaderas of the latter were to the former toc-fenders—machiers, saddle-scabbards—cantinas, handy-bags.⁷ But whatever elements of population prevailed in one or the other place, there was one everywhere present, everywhere respected, everywhere vital—the Californian. To Fraser River, Cariboo, Kootenay; John Day, Boise, Alder Gulch, Helena, went the adopted sons of California—youngest begetter of colonies,—carrying with them the methods, the customs, and the ideas of the mother region, and retaining for it not a little of love and veneration. "Idaho", said the *World*, "is but the colony of California. What England is to the world, what the New England states have been to the West, California has been and still is to the country west of the Great Plains. Her people have swept in successive waves over every adjacent district from Durango to the Yellowstone. She is the mother of these Pacific States and Territories."⁸

⁶ It seems to the author that, while the British people have shown marked efficiency in seizing new lands for colonies and in governing them, they have shown no special aptitude as colonists. From 1660 onward the immigration to the colonies now forming the United States was largely continental; and the Amerilan frontiersman was not an Englishman, although often of English antecedents. The western Canada of today would lack much in its population, if the American pioneers were not there.

⁷ *Owyhee Avalanche*, Nov. 11. 1865.

⁸ *Idaho World*, July 15 and Oct. 14. 1865. The career of Henry Comstock, who gave his name to perhaps the greatest lode known in history, was typical in wanderings of that of many Californians; though, we may hope, not typical in its ill-fortune. Comstock in 1862 struck a quartz lead at John Day (S. F.

Another element of population represented everywhere, but often entirely overlooked in characterizing the mining population, was that of the women—and we mean here respectable women. It is true that a large majority of the population was made up of men, especially at the beginning of a rush, but always some women began soon to arrive and formed in many districts an appreciable element. Some of the women were survivors of the fur-trading regime and were to be found at the old posts; as a general thing, also, there were pretty sure to be women at the road houses and stopping places. So, early in the winter of 1862–3, in the region now known as Montana, out of a total listed population of 670, 59 were respectable females; and in the years immediately succeeding numbers of the most venerated of the pioneer women of Montana came.⁹ Southern Idaho, as has been mentioned before, was conspicuous for the number of families residing there, many of which had left Missouri because of war troubles. In the Grande Ronde Valley and at Auburn a young single man had quite good chances of getting a wife from immigrant girls. At Victoria, besides ladies in the families of citizens, a cargo or two of young women, according to the custom of new colonies, was brought from England. Even in far-away Cariboo there was a kindly Mrs. Lee to extend help to the minister's wife in her time of greatest need, and ever and anon on his travels the minister found it pleasant to see a "sonsie" Scotchwoman beaming a welcome and to hear her Scots tongue.¹⁰ Another indication of the presence of women was that a good many divorcees were granted by legislatures; but, on the other hand, that in all the papers almost from their first issues were notices of marriages. It is true, however, that most

Daily Bulletin, Aug. 29, 1862); at Christmas he was in Auburn (*Id.* Jan. 2, 1862); the next fall found him at Alturas, near Boise, where he was running five arastras and a saw mill. (*Id.* Aug. 30, 1864.) In 1868 he resided in Butte City, his intellect darkened, but his hand still skilful and his heart sympathetic for the poor. He worked a small claim, but imagined that he still owned the Comstock lode (*Mineral Resources*, 1868, p. 505.) At last, 1870, he shot himself at Bozeman, and his body was found in a hole back of the jail, not a cent in his pocket. He was buried at the county expense (*Anaconda Standard*, Dec. 16, 1900).

⁹ *Contributions Historical Society of Montana*, Vol. I, pp. 334–54.

¹⁰ *Occasional Papers*, Columbian Mission, Report for 1869, pp. 64 and 69.

ladies were to be found in the families of professional men, merchants, and farmers, because the miners themselves were too roving to get married, but there were some exceptions. At any rate, it seems worth calling attention to the fact that the dearth of good women in the mining regions was not so complete as is often assumed.

There are two classes of the population, the negroes and the Chinese, to which I wish to give separate treatment; to the one a brief statement, to the other more extended discussion.

The negroes were seldom, if ever, found in the mining camps, but about four hundred of them came early in the mining movement to Vancouver Island and British Columbia, the majority of them settling in Victoria. They came from California, and their purposes as explained by one of themselves, were as follows:

- (1) To better their political conditions, since in California they were disfranchised and without legal protection of life and property.
- (2) Not to seek "particular associations", but to "enjoy those common rights which civilized, enlightened and well-regulated communities guarantee to all their members."
- (3) To make this country the land of adoption for themselves and their children.¹¹

By working at draying and like employments and investing their savings in land, many of these colored people became well-to-do. Clergymen fresh from England or Canada, took high philanthropic and religious grounds toward them, although the Bishop noted that the negroes found it difficult to get used to the ways of the Church of England, since they had been reared Baptists and Methodists. But trouble arose with the white Americans, notwithstanding that most of these in British Columbia were, during the war, ardent supporters of the Union; and there was a serious riot in a theatre. The whites remonstrated, also, at admitting colored people to the churches, and, when one zealous divine took up the cause of Africa and coloured people flocked to him, the whites left—promptly to be followed by the negroes, in

¹¹ Letter of J. J. Moore, *British Colonist*, Feb. 5, 1859.

order to be in a more fashionable church.¹² But the latter were treated by the English officials as any other citizens were treated.

The Chinese were a very important economic part of the mining advance, but not of it socially. Sooner or later they were found in every town, along every trail, in every mining camp. Debarred from the camps so long as claims paid "wages" or better, they were welcomed later to buy the claims, once washed, which no white miner would consent to touch. There was great hostility to them because of their lowering wages and living hardly, but the time was sure to come when the miners' meeting of every district would admit these patient, quiet, laborious men, clothed in cheap garments. It was seldom that the Chinaman worked for the white man, but he often paid large sums for his claim—as high in some cases as \$8,000—and he paid in cash, or the white owner of the claim took out of the sluice boxes each Saturday night a certain amount until paid. The Chinese were not so skillful as the Americans in the use of machinery, but their industry enabled them to extract much gold from the abandoned claims. Undoubtedly America owes considerable to them for saving treasure which might otherwise have been wasted. Of their numbers it is hard to get a just estimate. In Montana they were thought to number 800 in 1869, and in British Columbia in 1866 they numbered 1800 out of a total population of 13,800 and in Vancouver Island 200.¹³ As camps waxed old in the American territories, the Chinamen generally outnumbered the whites. A pioneer states that twelve hundred of them came into Warren's Diggings, when they were allowed to come.¹⁴

Many of them came direct from China, but many also from California. They were generally brought in droves by some Chinese contractor; for example, forty Chinese were sent to Idaho from Virginia City, Nevada, at one time by Yong Wo and Company.¹⁵ The men sometimes were contracted, sometimes bought, and sometimes kidnapped.¹⁶ The masters provided the

¹² Macfie, *Van. Id. and Br. Col.*, pp. 388-392.

¹³ *Mineral Resources*, 1869, p. 140. Despatch of Gov. Seymour Feb. 17, 1866 in Churchill and Cooper, *British Columbia and Van. Id.* p. 21.

¹⁴ Hofen, Leo, *Hist. of Idaho County*, MS., p. 4.

¹⁵ San Francisco *Daily Bulletin*, May 19, 1865.

¹⁶ McDonald, *Van. Id. and Br. Col.*, pp. 299-300.

outfit and required both repayment of expenses and profits for themselves.¹⁷ Not all, however, were coolies, for there were not a few fine looking and independent men. Numbers of the Chinese, as usual, engaged in the laundry business, and some in other forms of business or in farming. A flourishing colony of them congregated on Pandora Street, Victoria. A good many of them everywhere became well-to-do and some wealthy, but others lost fortunes gambling after the fashion of the whites.¹⁸

In the treatment accorded them by the whites there was a fair measure of equality before the law. In British Columbia, of course, the Chinaman was treated with perfect civic equality, and in American territories there are records of white men being brought to trial and convicted for assaulting or killing them.¹⁹ But in the matter of taxation there was a decided difference: in British Columbia a Chinese miner paid the same tax as any other miner, while in the American territories he was singled out for exceptional and heavy taxation. In Idaho a law was passed (styled a law for taxing foreign miners and copied directly from the California law) which required every Mongolian to pay a tax of \$5.00 per month; if the tax were not paid, the property could be sold on three hours notice.²⁰ Moreover, the law included as foreign miners all Mongolians, whatever their occupations,—a provision, however, later declared invalid by the courts.²¹ Yet the Chinese miners were forced to pay the exceptional tax and, moreover, were sometimes robbed by officials under guise of “watchmen” and “collectors.”²² For the regular tax, on the other hand, there was some justification, from the fact that Chinamen acquired comparatively little property which could be reached by ordinary taxation. In Montana Chinamen were taxed by a law compelling all *male* persons engaged in the laundry business to pay a tax of fifteen dollars per quarter; “It is admitted,” said Gov. Ashley, “that this section is oppressive and was intended to compel the Chinaman to pay an unjust tax.”²³

¹⁷ *London Times*, March 25, 1862.

¹⁸ *Reminiscences of Harvey, A Chinaman at Yale*, MS.

¹⁹ *Idaho World*, Nov. 18, 1865.

²⁰ Goulder, *Reminiscences*, Chap. 49; *Idaho World*, Feb. 3, 1866.

²¹ *Idaho World*, March 24, 1866.

²² Knapp, *Statement of Events in Idaho*, MS. p. 6.

²³ *Contr. His. Soc. Mon.*, Vol. 6, p. 267.

The white miners always looked on the Chinamen as inferiors. When the latter were admitted into the John Day diggings, the Dalles Mountaineer said: "It is to be hoped that by another year each honest miner in this country will have his dozen coolies delving in his claims. There is an eminent fitness in this relation of the races."²⁴ Indeed "foreigners" to the miners did not mean the "unnaturalized Russian, Greek, Finn, Frenchman, or Irishman," but the Mongolian.²⁵ In Montana it was thought that the public was undemonstrative either for or against them; although, occasionally "we hear of outrages inflicted upon some one of them in the same manner, and perhaps as frequently, as dogs or cattle are maltreated."²⁶ From the first contact with the Mongolian in the mining regions, therefore, whether justly or unjustly, there has been a feeling with regard to him on the part of the whites, different to that held toward other races. But that his part in the economic development of those regions was an important one admits of no doubt.²⁷

Having now considered the various elements of the population, let us next see how the white portion of it lived.

The characteristic abode in the mining regions was a log cabin, roofed with shakes or (particularly in Montana) with dirt. In storms the latter roof leaked, much to the distress of lady housekeepers. Green cow-skins were often nailed on the floor in lieu of carpets. A cabin of one of the bachelor miners, as it appeared at the beginning of winter is thus sketched: "To the left of the stage road leading to Idaho City, stands a log cabin, ten by twelve feet in size, the roof extending eight feet from the main building, a pile of pitch wood to the left of the door; over the wood hangs a fore and hind quarter of a beef. Under the same porch is seen a hand sleigh used for sledding wood and articles from town. We open the door and go in. Description is almost

²⁴ Article in *Mining and Scientific Press*, Vol. 12, 1866, p. 259.

²⁵ Goulder, *Reminiscences*, p. 354.

²⁶ *Mineral Resources*, 1869, p. 40.

²⁷ A fine field for investigation lies in the history of the Chinese on the Pacific Coast, particularly if one could get at Chinese sources. A still wider field presents itself in the activity of this race in all the mining regions of the Pacific. "The number of Chinese to be met with all over the world", says Barret-Leonard, "wherever gold has been discovered, is a singular and characteristic fact."—*Van Id. and British Col.*, pp. 147-148.

impossible, but I will endeavor to depict the scene. On the left of the room is stored any amount of provisions, over which are fixed two bunks one above the other. To the right of the fireplace stands a small table on which are piled books, papers, and many other small articles too numerous to mention; and still to the right is a goods box nailed to the wall for a cupboard, which is filled with all kinds of cooking traps. On the right hand side of the room is the window, one pane of glass constitutes the size, under which is placed the dining table. The right-hand side of the room is ornamented with a large mirror and pictures: among them are seen Abraham Lincoln and his secretaries, generals, forts, battles, etc.'^{27a} In respect to these latter ornaments, it may be observed, many miners would probably have preferred pictures of Jefferson Davis and of Southern generals; but the description is fairly characteristic of the ordinary miner's cabin in the winter time.

Places of business, also, were for the most part of logs, although in the first stages of towns tents were often used; as a town prospered, substantial buildings of sawed lumber or of stone were usually erected. Owners of general stores often built cellars as warehouses for storing goods, a precaution against the fires which many times swept mining towns. Frequently several firms carrying on different lines of mercantile business occupied the same store, which very likely served also as office for some doctor or lawyer; and at night the various occupants (with probably a guest or two) quite generally used the scene of their day-time endeavor as sleeping quarters.²⁸ The appearance of one such store, thus used, reminded an English traveler in the interior of British Columbia of the robber's cave in the *Arabian Nights*.

The staple foods were bread, bacon, beans, coffee, and (in British Columbia) tea. In the towns, of course, there was greater variety; but a man, by paying a good price, could generally get such luxuries as eggs and butter. Fresh meat was usually obtainable at reasonable prices in the summer time, when

^{27a} Mullan, John, *Miners' and Travelers' Guide*, pp. 126-128; cf. also, description of cabin in *Diary* of J. H. Morley MS., May 22, 1863.

²⁸ Sanders, Col. W. F., *Sketches of Early Settlers in Montana*, MS.

drovers brought cattle and sheep on foot to the camps. Fish, also, were often used, there being fine trout in Montana and salmon on the west side of the mountains; but miners who could make \$5.00 per day or more could not profitably spend much time in fishing or hunting. Still, prospecting parties, in particular, found game useful. Fresh vegetables and potatoes were much sought, in order to avoid the terrible scurvy. Miners at Oro Fino in the winter of 1861-2 packed potatoes on their backs fifteen or twenty miles through deep snow, in order to stay the ravages of this disease. "Uncooked potatoes sliced up and soaked in vinegar were far from affording a very appetizing dish, but it proved a sovereign remedy for the scurvy."²⁹ Far the greater portion of the food stuffs were imported from outside the mining regions—from California, the Willamette Valley, Utah, and the States. Consequently, when insufficient supplies were laid in, and winter snows blocked the trails, miners in lone camps were sometimes reduced to boiling ferns, or oats, or the inner bark of trees in order to stave off starvation; while merchants in town often ran flour up to monopolistic prices, \$1.50 per lb. or higher,—a procedure which generally produced flour riots.³⁰ There were many restaurants and hotels in the town and road-houses along the trails, but except when traveling (and often then) experienced miners did their own cooking.

Amusements and companionships the miner had to have, and, in reaction from the hard labor on the claim, he generally sought eagerly those forms of amusement offered to him in the towns. He was bound of course, to be attracted by horse-racing and prize-fighting; there were always men around who wanted to match their favorite colts, or to aspire to pugilistic honors. Saloons abounded in all towns, and generally sold villainous concoctions; but they were the only places where a man could freely find companionship, and "some of them were kept by men of intelligence whose general impulses were excellent."³¹ Other saloonkeepers were like the one at Yale, who when the miners

²⁹ Goulder, *Feminisces*, p. 233.

³⁰ It was considered very creditable to the Hudson's Bay Company, when American speculators at Victoria had cornered the market, that the Company broke the corner and refused to profit by the miners' necessities.

³¹ *Sketches of Early Settlers in Montana*, Col. W. F. Sanders, MS.

were well "slewed", would dispense with the scales and take goodly pinches of gold from the extended pouches.³² Nearly everybody drank, and getting drunk was a venal transgression: the members of the Philipsburg, (Mont.) Pioneer Association—composed of "those who have assisted in opening up for settlement and civilization" California, Idaho, and Montana—in their resolutions "Reserve the right to get decently drunk." Liquor was generally taken straight and at one gulp. Vigorous men with the health of pure mountain air surging within them could drink safely an amount of liquor that would have crazed an office denizen. On the other hand, the ill effects of drink were by no means escaped: the "Miners' Ten Commandments" speaks of men broiling in the sun, or emerging half drowned from prospect holes and ditches, of gold dust and the comforts it might have purchased lying at the bottom of a damaged stomach, and of "all the unholy catalogue of evils," that follow in the train of excess.³³ Some of the men who played heroic and conspicuous parts in the ranks of the Vigilantes of Montana afterwards went to pieces through drink. Billiard tables were to be found in almost every saloon, and were much patronized—British travelers wondered at the numbers of these tables in Victoria.

Gambling was exceedingly common and open. In almost every town could be heard the cry that brought back to Californians the times of '49: "Make your game, gentlemen, make your game—all down—no more—game's made." The men who ran the gambling houses were not all the sleek, lizard-eyed villians which occasional writers portray, but some of them conducted their business with fairness and would tolerate no crooked work. As a class they were brave, virile, and generous-hearted. A man knew when he went into the game that there was a percentage in favor of the house. Still, a number of games regarded as legally unfair are enumerated in a law of Montana which forbade "three card monte, strap game, thimble-rig game, patent safe game, black and red, any dice game, two card box at faro." Undoubtedly much of the terrible wastage that left many of the miners

³² *Reminiscences of William Stout of Yale, MS.*

³³ The "Miners' Ten Commandments" is a somewhat ludicrous portrayal of the miner's life, but should be read by one who wishes to know many of the failings and of the aspirations of that life; a copy is printed in Macfie, *Van. Id. and Br. Col.*, pp. 418-422.

exposed to an impecunious old age was produced by the gaming table.³⁴

An innocent form of diversion was the theaters, one or more of which were to be found in every town of any importance. Troupes of players, male and female, were often encountered by travelers, making the long journeys from town to town. A glimpse of a theater at Walla Walla is given by a newspaper correspondent. The room was a dismantled barroom, and the platform was flanked by blankets. Mrs. Leighton and a troupe presented the play "Naval Engagements" to the "highly marine population of Walla Walla. Thirty-five ladies graced the dress circle and 162 gentlemen laughed with delight on board benches at the expense of one dollar each."³⁵

The hurdy-gurdy or dance houses were features of every center. One of them is described as follows: "At one end of a long hall a well stocked bar and a monte bank in full blast; at the other a platform on which were three musicians. After each dance there was a drink at the bar. The house was open from 9 P. M. until day-light. Every dance was \$1.00—half to the woman and half to the proprietor. Publicly, decorum was preserved; and to many miners, who had not seen a feminine face for six months, these poor women represented vaguely something of the tenderness and sacredness of their sex."³⁶ Most of the hurdie were German women, who followed the business for gain—the majority homely enough, but some good dancers. It is a mistake to confuse these dance halls with houses of prostitution; seldom did one of these women become a prostitute, and some of them settled down in the country and became good wives.³⁸ The lighter side of the dancing was sung in Cariboo Rhymes:

"Bonnie are the hurdies O!

The German Hurdie-Gurdies O!

The daftest hour that e'er I spent

Was dancing wi'the hurdies O!"³⁹

³⁴ *Montana Post*, Jan. 21, 1865.

³⁵ *San Francisco Daily Bulletin*, June 25, 1864.

³⁶ Richardson, *Beyond the Mississippi*, p. 480.

³⁸ A very much respected pioneer told me that he had known a number of these women and had been acquainted with their later careers, and that all had turned out well.

³⁹ *Jeames' Letters to Sawnie*, quoted in Bancroft, *His. Pac. States*, Vol. XXVII, p. 519.

The other side was presented by the Montana Post, which asserted that the hurdy-gurdy houses exercised a most pernicious influence, particularly in that they helped to pauperize labourers; too often they were scenes of quarreling, violence, and drunkenness. There seemed to be a "desire to run everything in the shape of amusements beyond all safe limits."⁴⁰

There were houses of prostitution in practically all towns, and vice flaunted itself more openly than in older communities. "A bespangled and flounced woman of costly garments" was not infrequently seen on the streets, while on the trails might occasionally be met small companies of "things calling themselves women", dressed in men's clothing and with revolvers strapped to their waists, and some of these even dared the rugged trails to Cariboo.⁴¹

For the steady part of the population there were gathering places seldom taken into account in the history of mining communities. Quiet citizens would gather in some store, as that of George Chrissman at Bannack City and of Pfouts at Virginia City,—and there, seated on stools, benches, and boxes, would tell strange experiences or discuss grave questions. But generally the talk fell naturally on mines; for, to "find mines, to plant mining communities occupied industrial attention."⁴² There were halls where fraternal organizations might gather, or a neighborhood dance be held. Miners of studious tastes might form public libraries, as at Helena.^{42a} Church buildings, also, were early erected in most of the larger towns, and in them Sunday schools were carried on, more or less regular preaching services held, and occasional special meetings called.

In trying to find out the characteristics of the population, at whose amusements we have glanced, two extremes are to be avoided: The one is the view of those superficial writers who,

⁴⁰ *Montana Post*, Jan. 14, 1865.

⁴¹ *Pilgrimage of W. S. Haskell and Family to the gold regions in 1864*, MS. entry May 4; *San Francisco Daily Bulletin*, July 18, 1863.

⁴² *Sketches of Early Settlers in Montana*, Col. W. F. Sanders, MS.

^{42a} *Contr. His. Soc. Mont.*, Vol. VII, p. 187. The Historical Society of Montana was incorporated in 1865 by H. S. Hosmer, C. P. Higgins, John Owen, James Stuart, W. F. Sanders, Malcolm Clark, F. M. Thompson, William Graham, Granville Stuart, W. W. DeLacy, C. E. Irvine, and Charles Baggs.—*Contr. His. Soc. Mont.*, Vol. II, p. 19.

seizing on the unusual, unconventional, or abnormal features of the life of the mining communities, and especially regarding the exploits of desperadoes, conclude that ruffianism and violence were the normal qualities of these communities; the other (and the more forgivable) is that of some of the pioneers who, looking back through mellowing years, and remembering the good and true men who formed the majority of the mining populace, forget some of the undeniably bad blots upon the society of the time.

In truth, for the observer wishing to be impartial, a great deal depends upon one's point of view. If he undertakes to apply to mining communities the conventional standards of conduct which ruled in the sixties in quiet villages of the East, he will find sufficient transgressions to shock him; and these standards were precisely those that were applied by some of the writers of the time. They inferred that, since miners generally were profane and reckless and did not keep the Sabbath, often gambled and drank, and wore weapons habitually, therefore they were violent, ignorant, and depraved, ready for any depth of sin or crime. Moreover, the impressions given by such witnesses are sometimes confirmed by some of the pioneers themselves who, finding the outrageous side of life most eagerly listened to, put to the fore in their accounts murders, robberies, and brawls. On the other hand, the impartial student, without in the least denying or seeking to palliate what was ugly, will not overlook essential traits of manhood, but will remember that most of the mining populace were young men, far from the restraints of home; that they had come, many of them, from the less exhilarating atmosphere of lower altitudes, to the splendid invigoration of mountain air and outdoor life, and, consequently, effervesced with energy; that their excesses were often reactions against the monotony of their toil; and that many of them earned large sums of money quickly and, feeling certain that they could replace them easily in the apparently endless succession of new fields, spent their treasure prodigally. Above all, he who seeks a just estimate of mining populations, as of any other, will make general statements cautiously.

Perhaps the best way of approaching the matter is to start with

the observation of a careful and experienced participant in the mining advance, who wrote that "Society was divided into two classes—the good and the bad."⁴³ This observation is, of course, true of society in general, but to that of mining camps it is particularly apropos, since ties of friendship and associations, in the absence often of more defined regulations of society, were peculiarly close.

The "bad" classes were represented in some camps by an inferior lot of hangers-on who were lazy and unenterprising; but a lazy man stood a good chance of starving, and the hobo class was conspicuously absent.⁴⁴ It took a *man* to face the long journeys to the mines and the vicissitudes of life there. There were also some mere rowdies who might participate in a riot at times, but who were easily cowed by Judge Begbie in British Columbia or by the mere mention of a vigilante committee in the territories.⁴⁵ But the really bad class, the class that did so much to give a bad name to mining communities, were the desperadoes. These were often brave men gone wrong, who had formed criminal tendencies and associations in California, and who continued their evil associations in the various camps of the northern interior, until finally they were graduated into very bad, overbearing, and dangerous criminals. Many of the murders so often mentioned in characterizations of mining communities, were simply killings of one or the other of these men by another of the same class; but not infrequently, allured by large amounts of treasure carried by travelers, or by a rancher's scattered horses (both a form of plunder not hard to dispose of), and emboldened by the unorganized and unprotected condition of society, these villains banded themselves together for most atrocious rapine and murder, directed against quiet citizens. The numbers of this class, however, were very small compared to the whole population.

One of the most noticeable characteristics of the miners as a class, on the other hand, was that they were law-abiding and orderly. The very nature of their occupations made them that. Men who were seriously working rich claims, or making large

⁴³ Butler, *Life and Times in Idaho*, MS., p. 9.

⁴⁴ Conversation with Judge W. Y. Pemberton, of Helena.

⁴⁵ Pemberton, J. D., *Van. Id. and Br. Col.*, pp. 130-1.

wages, could not afford to commit crimes, if they wanted to. Most of the miners, moreover, were men of good antecedents, a fact as true of the large foreign element as of the Anglo-Saxon. The Germans and Frenchmen who came to the mining regions were not gutter spawn, but often younger sons of good families, or peasants; and they were well trained to obedience to law. Moreover, the men who came from California had had good training in participating in the evolution of customs and laws of the mining camps; and, besides, being now older than when they had first gone to California, they were the more inclined to ways of steadiness.⁴⁶ The testimony of the sources in regard to the law-abiding instincts of the miners is clear and practically unanimous, and this is especially true of the sources dealing with British Columbia. Although the officials there had been warned that these men were the ragtags and off-scourings of the universe, they were surprised to find, like Judge Begbie, that the miners "manifested a great desire to see justice fairly done and great patience with the difficulties which the magistrates and the judiciary have had to contend with."⁴⁷ Again, the same distinguished judge observed, "There was on all sides a submission to authority, a recognition of the right, which, looking to the mixed nature of the population, and the very large predominance of the Californian element, I confess I had not expected to meet."⁴⁸ The proportion of the law-abiding element in the American territories is probably fairly expressed by Mr. Hailey, who says, "I think I may truthfully say that ninety-five per cent of these people were good, industrious, honorable and enterprising, and to all appearances desired to make money in a legitimate way."⁴⁹

The law-abiding instincts of the miners—and as well another chief characteristic, their virility,—are interestingly brought out in a letter, tinged perhaps with idealism, to *The London Times*:

⁴⁶ These considerations with respect to the foreign element, were earnestly presented to me by Dr. James S. Helmcken, son-in-law of Sir James Douglas and Speaker of the first Assembly of Vancouver Island. He had every opportunity to observe the miners closely and had no reason to be prejudiced in their favor.

⁴⁷ Quoted from Judge Begbie in Pemberton, J. D., *Van Id. and Br. Col.*, p. 130-1.

⁴⁸ *Journal of the Royal Geographical Society*, Vol. XXXI, p. 247.

⁴⁹ *His. of Idaho*, p. 91.

“All who come to British Columbia, be they gentle, be they simple, whatever their class or previous calling, must be men,—true men, resolute, persevering, cheerful, temperate men, men of dauntless character. They need not be strong men, particularly, but if not strong in body, nor particularly inured to hardship as to constitution, they must be hardy in mind. They must be of the stuff on which England’s glory is founded. If they are puny, or complaining, or talkative, imaginative fellows, they had better stay at home where they are. In a state of society more or less artificial they may find a living, but not here. They will die, and scarcely, if at all, be regreted by anybody. Here we revert to first principles in all things; and I am happy to say the miners of British Columbia as a body are the very finest fellows I ever came across—hardy fellows, heroes, in a kind of way. Of course there are exceptions, but I speak of the mass, and I make no distinction of nation. We have British subjects, English, Scotch, Irish, Welsh, Canadian, Australian, New Zealand, French, German, Dane, Swede, Norwegian, Spaniard, Italian, Mexican, United States, Confederate States—in fact bone and sinew, life and energy, skimmed as the cream from the manliness of all nations. That is my opinion of the miners of British Columbia, and I would wish it to be openly declared as against all who may gainsay it; don’t let anybody believe they are a people unsafe to live among. I mention this because absurd tales are told (and I am sorry to say the foolish practice among them of carrying revolvers gives a sort of color to it) of the wild recklessness and violence of the miners. If a person will mind his own business, keep a civil tongue in his head, look straight into a man’s eye, and fear nobody, he will lead as quiet a life as he can desire. As a body the miners are above average intelligence, and fully recognize the value of law and order, and are always ready to maintain it.”⁵⁰ The virile qualities of the miners are emphasized, also, by another English observer, as follows: “Intent on speedy gain they are ready to brave every risk, face every hardship and privation. Dauntless, fearless, and restless, they will brook no opposition nor restraint, but with a wild self-de-

⁵⁰ The London Times, Jan. 30th, 1862.

pendence of character plunge wherever gold attracts them, defying everything, and surmounting all obstacles."⁵¹

Besides being law-abiding and virile, the average miner was intelligent. In a population "coming from all parts of the world, drawn from every social grade, animated by the most diverse ideas and principles, differing in every essential particular necessary to social or moral organization", the abrasions of society were themselves educative.⁵² Not a few of the miners were men of education. Books, magazines, or newspapers were found commonly in the cabins, and were often conned to good advantage in winter. One of the first things that Morley did on settling down at Bannack (Montana) was to order magazines from Salt Lake; Goulder at Oro Fino (Idaho) in the long winter evenings read Scott's novels to his comrades; in British Columbia the Bishop found miners at Cariboo possessing copies of Gibbon, Macaulay, Shakspeare, and Plutarch.⁵³ Since the miners, however, were rough in appearance, travelers sometimes misjudged them. Mrs. Leighton, journeying on the upper Columbia in the '49, looked with suspicion on the miners aboard, but found them interesting on acquaintance: one of a company collected for a wagon trip "looked like a brigand with his dark hair and eyes"; but when—in addition to showing thorough knowledge of the country through which they were passing—he talked about the "soft Spanish names of places in California", and of "the primitive forms in which minerals crystallized", and told of the gallantry of the miners when the "Central America" was wrecked, she concluded that he would have been "interesting anywhere."⁵⁴ The Bishop of Columbia thought that his congregations at Victoria contained a "larger proportion of shrewd, thinking, intelligent educated gentlemen than any in England out of London."^{55a}

The characteristic most dwelt upon, however, by participants in the mining rushes was enterprise. This characteristic is em-

⁵¹ Cornwallis, *The New El Dorado*, p. 10.

⁵² *The Oregonian*, June 28, 1861.

⁵³ Morley, J. H., *Diary*, MS., Sept. 21, 1862; Goulder, W. A., *Reminiscences*, p. 221-2; *Extracts from the Journal of the Bishop of British Columbia*, 1862-3.

⁵⁴ Leighton, Caroline C., *Life at Puget Sound, with Sketches of Travel*, pp. 93-99.

^{55a} *Columbian Mission, Occasional Papers*, 1862, p. 7.

phasized, rather naively, in a few lines of rhyme from Idaho City:

“I’m standing now upon the hill
That looks down on the town.
I’m thinking of that mighty will
Which never can bow down;
I mean the will of Enterprise
That made our nation grow,
And from these Indian wilds built up
The town of Idaho.”⁵⁵

Enterprise is placed foremost by the *Montana Post* in an estimate of the mining population—an estimate which mentions, also, some other interesting characteristics. “The great features of our people,” it said, “are enterprise, restless activity and contempt of danger or privation. Hospitality is general and unaffected. There is a sort of rough, though genuine courtesy much in vogue among mountaineers, that makes them excellent companions in danger or hardship. Men of education may meet their fellows here. Majors, colonels, judges, and doctors include about one-third of the adult males, but the reverence usually accorded to those high-sounding cognomens is left at home; and in the gulch Major Blank wheels, while Colonel Carat fills.”⁵⁶

Nicknames were often used, “extemporized from some personal eccentricity, some notable expression, or event of experience.” If a man seemed educated, he might be called “doc” or “cap”; a large man would be called Big Bill or Big Jim. Frequent reference to place whence he had come might result in “Rattlesnake Jack” or “Oregon Bob”. One man who was fond of displaying an array of initials and titles was called “Alphabet McD—”. These designations were sometimes especially handy, in cases where an individual had some delicacy about his real name.⁵⁷

⁵⁵ *Boise News*, Aug. 20, 1864.

⁵⁶ *Montana Post*, June 28, 1865.

⁵⁷ Material for this paragraph is found mostly in Macfie, *Van Id. and Br. Col.*, p. 414. This author makes another observation which I have not come across elsewhere, when he says that the “intense pitch to which the feelings of people are strung in a gold-producing country is a frequent cause for insanity”, p. 410.

The mining population was one extremely nomadic—often disastrously so to the individual. The old wander-lust stirred the blood mightily, and especially so in the spring. The call of new and rich diggings, even though deceptive, was seldom resisted. “What a clover-field is to a steer,” wrote the *Oregonian* with somewhat crude humor, “the sky to the lark—a mudhole to a hog, such are new diggings to a miner. Feed him on a succession of new diggings, and his youth would be perennial.”⁵⁸ Forgotten were rheumatism, toil, and disappointments when reports of big strikes circulated. An old miner on being asked by the Bishop of Columbia why the old-time miners had not realized fortunes, answered that they were “always agitated by news of rich diggings” and that they gave up good paying claims on hear-say reports, and often came back impoverished. “I myself,” he added, “if I hear of anything better cannot keep quiet; I must be off.”⁵⁹

That humor lightened many of the troubles of the miners and played over and through their experiences, is suggested by a few specimens that glimmer through our sources. The humor was sometimes irreverent and grotesque; as, for example, concerning a supposedly conceited nominee for the Legislature, an unfriendly critic remarked, “If that chap is elected to the Legislature, God ‘O mighty’s overcoat wouldn’t make a vest pattern for him”. It was generally picturesque, descriptive, and full of slang, as “two squaw-power,” concerning two Indian women paddling a canoe; “Boston jackasses,” applied to men labouring under packs to Salmon River; “jawbone” (signifying credit) and “gumticklers” and “flashes of lightning”—different kinds of liquors. Sometimes the humor was grim; as talk of a vigilante organization for a “mid-air dance”, or, on rumor of the assertion of Indian titles to miners’ claims, the remark that the Indians would need to be “armor-plated.” A pun might crop out; as in commenting on lack of interest in education on the part of a quartz community, it was remarked that “a large majority of the fathers prefer the development of *feet* to the head.” A more subtle form appeared in the case of a miner who by re-

⁵⁸ *Oregonian*, July 12, 1862.

⁵⁹ *Journal of Bishop of Columbia*, p. 15.

peated experiences having found an acquaintance of no account, characterized the unfortunate by saying, "I have panned him out clear down to bed rock, but I couldn't raise the color."

The profanity of the miners was omnipresent, exuberant, "diabolical", and habitual. Men were not unlikely to swear unconsciously when their thoughts were really of higher things. One miner was over-heard by the Bishop of Columbia swearing roundly as he defended the Church; "What would society be without it?" he asked with an oath, "I tell you it has a refining influence."⁶⁰

Lack of observance of Sunday was everywhere prevalent. On that day the miner, (if he discontinued usual labor) washed and patched his clothing, cooked up food for the next week, mended broken tools; or he went to town to get his pick sharpened, get the mail, settle his accounts, meet his fellows, and have a good time. Sunday, indeed, in the towns was generally the liveliest day of the week. Dance halls, saloons, and gambling houses ran full blast, and usually there was a horse-race or prize-fight. Business places were all open. The rector at Cariboo had hard work getting church officers from among the business men, because any one accepting an office would be expected to close his store on Sunday and would thus be at a disadvantage. An Idaho law which forbade court procedures on Sunday had to be modified so as to permit taxation of packers who waited until Sunday to bring in their trains, and to allow issuance of attachments on that day, in order to stop absconding of debtors.⁶¹ In extenuation of this Sabbath-breaking, it may be said that the men really had few, except reminiscence, motives for observing the day, and that in the mining season it was necessary to push all work hard; another reason for Sunday work appealed to steady men like J. H. Morley, who writes, "Thinking of loved ones at home, it seems no sin in this savage country to exert oneself on their behalf, on the Sabbath."⁶²

In addition to what has been said in preceding pages in regard to the relations of miners to women, two or three other phases

⁶⁰ *Journal*, p. 45.

⁶¹ *Occasional Papers, Columbian Mission*, 1869, p. 66; *Idaho World*, Jan. 6, 1866.

⁶² *Diary*, July 19, 1863.

need to be presented. In the American territories there seems to have been a clearly marked antipathy to miscegenation, while in British Columbia this feeling was less clear. In Idaho, the legislature passed a law forbidding cohabitation with Indians, Chinese, or Negroes. In British Columbia, if we are to believe the reports of the clergy, there was noticeable resort to concubinage with Indian squaws, or "klootchmen," as they were there called. "In all these settlements," writes the Rev. James Reynard on a trip in the interior, "the great, the crying evils are Indian concubinage, and the poor neglected half-breed families." Again, as he comments on the degradation, which the Indian connection at last produced, he exclaims, "English mothers and sisters! do you know how your sons and brothers live away from you?"⁶³ There was, however, little abandonment of Indian families by white fathers. One fact stands out conspicuously through absence of literature of the time, whether north or south of the line: namely, there is no mention, so far as the author's reading extends, of any outrages committed upon white women by men of the mining advance, although, as we have seen, women were present in all mining communities.

Rough society undoubtedly was, and in many respects, unattractive; individuals there were who were sordid, mean, violent, disgraceful. But taken as a whole, for qualities of real manhood—chivalrousness toward women, hardihood, industry, intelligence, enterprise, and submission to law—the mining population was worthy of respect.

Mining society, however, was very heterogeneous and incoherent—a fact which made formal organization difficult; yet there were certain interesting bonds of union.

In the first place, men from a given locality naturally grouped themselves with other men from that locality. Thus Californians, Pike's Peakers, and Minnesotians—especially at the start in any camp—were inclined to act together. These groupings, however, made more difficult the establishment of law and increased the opportunities for the lawless classes to make trouble, since law-abiding citizens were not at first acquainted with the men of like mind from different sections.

⁶³ *Occasional Papers, Columbian Mission*, Report of 1870, pp. 62-3 and 65.

Again, friendship in the mines formed a very real bond of union. In the midst of dangers and trying experiences men were drawn together into peculiarly close and enduring relationships. A man could count on his friends standing by him and he by them through every vicissitude of fortune. In sickness friends nursed a man; if he got lost or was in danger of freezing, they hunted for him and succored him, or buried him; if he was out of money, friends "staked" him. If he, on his part, found a new prospect, he would surely let his friends know of it and stake off claims for them; if a friend got into a fight, he would see that there was fair play; and, if that friend were in great danger, would hazard his own life in his defense. One of the very essentials of manhood was violated if fidelity to friends was lacking. It was the strength of such associations as these that helped to make more difficult the task of establishing law and order; for criminals themselves had their friends, some of whom might be well-intentioned citizens. It took a high degree of daring and determination for leaders on the side of law, in trying to bring criminals to justice, to confront not only the criminal, but his friends. On the other hand, when desperadoes shot down a good citizen, they would have to reckon with the latter's friends; as in the case of Lloyd Magruder, of Lewiston whose murderers were followed from Lewiston to San Francisco by Magruder's friend, Hill Beachy, and brought back to the gallows.⁶⁴

Another tie that tended to unite separated "units of society" was Masonry. Brother Masons soon became known to each other, and lodges were formed in a number of places. T. M. Reed of Florence, elected Speaker of the Assembly of Washington Territory in 1862, was a leading Mason.⁶⁵ The claim has been made that Masonry was an active, though quiet, force in bringing about order in Montana, and it is undoubtedly true that many of the leaders in that work were Masons.⁶⁶

⁶⁴For an account of this case, see Hailey, *His. of Idaho*, Chap. 14. Other sources for this paragraph are Cornwallis, *The New El Dorado*, p. 207; *Contr. His. Soc., Mon.*, Vol. I, p. 124; remarks by Judge W. Y. Pemberton. Leaving a friend as narrated by Goulder in the case of some Jew traders, was an exception to usual custom, *Reminiscences*, pp. 224-227.

⁶⁵San Francisco *Daily Bulletin*, Jan. 2, 1863.

⁶⁶*Contr. His. Soc. Mon.*, Vol. VII, p. 186; Langford, *Vigilante Days and Ways*,

Of peculiar interest was another organization, which could not exist in British Columbia, but which in the Territories was conspicuous and active. This was Fenianism. Local circles of Fenians were formed in many mining towns. The Owyhee circle numbered one hundred; strong organizations existed at Idaho City and Virginia City, and in Helena when, on St. Patrick's Day, 1869, twelve hundred men paraded, Fenian sentiment was rife.⁶⁷ These circles were given definite organization, having as officers a Center, Treasurer, Secretary and Committee of Safety. In Idaho there was, also, a territorial organization, of which John M. Murphy was Head Center, and a territorial convention was held in 1866 at Idaho City in the Hall of the Fenian Brotherhood.⁶⁸ The Brotherhood in Idaho was affiliated with the national organization; when a rupture occurred in that, however, the territorial Council was instructed "to adopt a line of policy in consonance with our brethern of California."⁶⁹ The Territorial Council and Center had entire control of the organization, save for the convention, and could act at any moment.⁷⁰ Each local center was to report monthly the number of members, their age, and whether married or single. The object was to be ready to co-operate in the grand simultaneous rising of Irishmen in Canada, England, and Ireland. England was vulnerable to the Fenians of Idaho and Montana, it was thought, in the possible seizure of British Columbia and the Hudson's Bay Company's territories. Strong and brave Irishmen would hew their way through the provinces and cross the sea, while their brethren at home were keeping England busy. Money was collected, and military training was carried on. It was sought to include in the ranks all Irishmen and, also, those who sympathized with their cause; the result of the latter classification being the inclusion of many not Irishmen. Participation in American politics was disavowed, but *The Idaho Statesman* charged that in Idaho Democratic politicians made use of Fenianism.⁷¹ The so-

⁶⁷ *Owyhee Avalanche*, Jan. 16, 1869; *Idaho World*, June 30, 1866; *Contr. His. Soc., Mont.*, Vol. VI, p. 107.

⁶⁸ *Idaho World*, May 28, 1866.

⁶⁹ *Id.*

⁷⁰ *Id.*

⁷¹ *Idaho Weekly Statesman*, April 22, 1866.

cial side was not passed over by this war-like brotherhood; a notable Fenian ball was given on one occasion at Idaho City by the Emmett Life Guards.⁷²

In bringing this chapter to a close, it may be profitable to give some special attention to the immigration to British Columbia from Great Britain.

British Columbia, it was asserted, was especially suited to Englishmen. "With respect to the colony", wrote a correspondent of *The London Times*, "I can safely say from some experience in these things in my many years of wandering service and knowledge of several colonies, that of all in the wide range of British empire not one is so well adapted for Englishmen in every respect and to found a family in. All may, with ordinary industry and prudence, gain a comfortable independence at an early period and many may make fortunes. The climate is that of Surrey or Kent—rather earlier and safer in the spring as to agriculture—and always with a thoroughly grain ripening summer."⁷³ The crags and dells of some parts of British Columbia seemed to Scotchmen very like those of their native land, and to English wanderers Christmas at Victoria, much more than at Melbourne or Calcutta, seemed like a Christmas at home. These considerations, intensified by the reports of the marvelous riches of Cariboo and promulgated in the columns of the greatly respected *Times*, produced early in 1862 a furore for migration to this splendid land of promise.⁷⁴

In England at this time, in addition to the usual poverty and misery among the poorer classes, there was the distress caused by the Civil War in the United States. In books on British Columbia written by Englishmen at this period, there constantly recur references to the crowded condition in England, the little chance that there was to rise in the world, and the hopeless outlook for old age. "The subject of emigration," wrote Mr. Macfie, "ought to be regarded by the Government and philanthropists as the most important national question that can engage public attention, for there is none more vitally connected with

⁷² *Idaho World*, June 30, 1866.

⁷³ *The London Times*, Jan. 30, 1862.

⁷⁴ Johnson, *Very Far West Indeed*, p. 1.

the amelioration of poverty and the reduction of crime. You can have all sorts of societies, etc., but people ought to be taken out of debasing *conditions*.”⁷⁵ In the old world, it was asserted, society was overburdened with the numerical strength of the labouring class. In new society conditions were reversed; the laborer there was “welcomed, not repulsed. His strong frame there represents one added unit of production from a boundless and untouched field of wealth which would otherwise be fallow, not an additional supplicant for the alms of society, derived from a circumscribed and over-farmed enclosure.”⁷⁶ “If it were possible,” wrote Hazlitt, “to show many of those who are there [at Coventry] in a state of actual distress a high road by which they may secure for their industry and skill a sphere in a new land, by which they may find a home, and a vigorous one, in this distant colony—great good would no doubt be done.”⁷⁷

In order to enlighten the distressed classes and to assist them to go to the new colony, it was suggested that emigration lecturers should be provided by the Imperial Government for giving instruction in the advantages of colonization. “Young criminals,” it was urged, “susceptible of reform, might be sent with the consent of the colonists.”⁷⁸ Since the Government of British Columbia was straining all its resources to construct roads, it had no money for free and assisted passages (such as were granted by other distant colonies) nor for taking care of immigrants on arrival, and it was felt that the mother country ought to help pay the expenses for these objects; but the Imperial Government was following a policy of economy in the founding of British Columbia, and no aid was given. Private philanthropy was more generous, and the Columbian Emigration Society was formed as an adjunct of the Columbian Mission. Considerable money was contributed to the cause, among the prominent contributors being Miss Burdett-Coutts, the Hudson’s Bay Company, and Cavan, Lubbock, and Company, each of whom gave

⁷⁵ Macfie, *Van. Id. and Br. Col.*, p. 514.

⁷⁶ Johnson, *Very Far West Indeed*, pp. 275-6.

⁷⁷ Hazlitt, *Cariboo*, p. 80-81.

⁷⁸ Macfie, *Van. Id. and Br. Col.*, p. 516.

one hundred pounds. Under the auspices of this society two ship-loads of female emigrants were sent to the colony.⁷⁹

A noticeable feature of the attitude of British philanthropic workers toward emigrants to British Columbia, as revealed in the various books of the time, is paternalism—one might almost say grand-motherliness. Emigrants were to be incited to go, and were to be assisted and directed at every turn. Some of the directions were sufficiently ludicrous; as when one author includes in a long list of “necessaries” eighteen white or printed shirts, six coloured shirts, three dozen collars, and twenty-four pocket handkerchiefs.⁸⁰ At the auctions on the street corners in Victoria, one might see put up articles utterly useless to men expecting to face the rough up-country—dress-suits, dressing cases, and even, in one instance, an elaborate wash-stand.⁸¹ Men who knew conditions, however, advised very simple outfits, such as those used by American frontiersmen.

The large emigration of 1862, while it contained a sprinkling of experienced Welsh and Cornish miners and of veteran colonists from Australia and New Zealand, for the most part was made up of men without capital and utterly unused to manual labor—clerks, impecunious university men, “prodigal sons, and a host of other romantic non-de-scripts who indulged in visions of sudden wealth obtainable with scarcely more exertion than is usually put forth in a pleasure excursion to the continent of Europe.”⁸² Governor Douglas was besieged by applicants for positions, who bore letters from influential persons in England. Answering a letter of a member of Parliament, who had mentioned two emigrants he wrote as follows: “The number of respectable young men now arriving from England and other parts of the world is very great and many of them I fear will be disappointed, unless they are prepared for the roughs and smooths of Colonial life and have a command of capital sufficient to embark in farming or in the opening and working of mining claims; either of these pursuits being highly lucrative, and would

⁷⁹ Hazlitt, *Cariboo*, pp. 80–82; Macfie, *Van. Id. and Br. Col.*, pp. 493–7; Sir James Douglas, *Correspondence Book*, pp. 64–67, MS.

⁸⁰ Hazlitt, *Cariboo*, p. 86.

⁸¹ Johnson, *Very Far West Indeed*, p. 49–50.

⁸² Macfie, *Van. Id. and Br. Col.*, p. 76.

afford a profitable return, but without pecuniary resources or the capacity to labor their condition will be deplorable."⁸³

The dreams of these immigrants faded, when, on arrival at Victoria, they found themselves still hundreds of miles from Cariboo, and facing a journey which involved endless privations and discomforts on the way and hard manual labor at the end. Many went part way and turned back, but a few went through and did well. Hundreds of young gentlemen who had arrived at Victoria with jaunty air and much luggage were reduced in the following winter to chopping wood and grubbing stumps to escape starvation. They found that the class distinctions, to which they were accustomed at home, were of no avail in the vigorous and impartial life of the new colony; Oxford or Cambridge men might be found laboring for servants—now prosperous butchers, draymen, or returned miners—on whom they had looked down at home.⁸⁴

Such men, naturally, were bitterly disappointed in the country, and their letters and narratives complained greatly of the privations which they endured in this uncivilized part of the world. In commenting on these complaints, *The London Times* printed a suggestive editorial, part of which read as follows: "The emigrant to British Columbia would find a soil as fertile and a climate as agreeable as those left behind him. The colony, in fact, was precisely what so many people have sighed for in the struggles of a home career. It was a Britain without competition and without social difficulties, where the land was still unappropriated and men were worth more than money. What might have been done in England before the landing of Julius Caesar might be done in British Columbia at the present day. It could only be done, however, at the same cost and that fact should never be forgotten. When England was all common,

⁸³ Sir James Douglas to Hon. C. Fortesque M. P., *Correspondence Book*, MS., p. 67. A different kind of British participation in the life of the new colony at this period was manifested when British capital began to come into the colony more freely. The Bank of British Columbia was founded by English capitalists and had, besides the main office at Victoria, agencies at Nanaimo, New Westminster, Yale, and Cariboo. *Id.*, p. 33; Macfie, *Van. Id. and Br. Col.*, p. 87.

⁸⁴ Macfie, *Van. Id. and Br. Col.*, p. 412. This author observes (p. 77), that even if the immigration had been of a sort best suited to a new country, "A much larger number came than the country, with a deficient supply of roads was prepared to receive."

and any man might have an estate for the choosing, England was without roads or bridges, or the other adjuncts of civilization. It was just as hard to get from the Thames to the Humber as it is to get from Victoria to Cariboo. Improvements and property came together. No accommodations can be expected on No Man's Land. * * * British Columbia is open to occupiers only because it has never been occupied, and a country which has never been occupied cannot be traversed without difficulty or settled without hardships.⁸⁵

Through trials, indeed, a process of selection was going on. Authors who wrote before 1862 urged immigration indiscriminately, but those who wrote after that time are careful to point out classes which might come and those who should stay at home. It was to be remembered that the problem of life was simplified in the colonies, and that there were no aristocratic middlemen who spring forth from the "luxurious habits and super-abundant wealth of thickly-populated districts."⁸⁶ Hence, educated men could not expect patrons. Indeed, "clerks, poor gentlemen of education and breeding in quest of government appointments, governesses, school masters, and adventurers without funds and trained to no particular employment," stood small show for success, for the colony was not far enough advanced for them.⁸⁷ But men accustomed to physical labor and strong in will might come, and, particularly, the small farmer. Female domestic servants were in great demand at high wages, and would find good chances for marriage. Small manufacturers and merchants, millers, pitch and resin manufacturers, and fishermen with small capital and pluck would do well. Retired officers of the army and navy would find Victoria a lovely place in which to live, could utilize their land bounties, and could get high rates of interest for their money. Capitalists were especially welcome, for they were needed to develop the resources of the country and "to open the way for the wider and steadier employment of labor".⁸⁸ Capitalists would get large returns for the use of their money, and if, through misadventure, they lost it, a fresh start would be easy.

⁸⁵ Quotation from the *London Times in the San Francisco Daily Bulletin*, Dec. 12, 1862.

⁸⁶ Johnson, *Very Far West Indeed*, pp. 270-80.

⁸⁷ Macfie, *Van. Id. and Br. Col.*, pp. 493-517.

⁸⁸ *Id.*

CHAPTER X

EDUCATION AND RELIGION

While, as compared with new agricultural settlements, there were few children in the mining communities, nevertheless families gathered in all well-established camps; and there arose demand for some sort of educational facilities. This demand was voiced both in British Columbia and the American territories, but was responded to in different ways in the two regions.

In the American territories schools sprang quickly and spontaneously from the people, and in simple forms. Private, or subscription schools were usually the first to start; such were those of Professor Dimsdale in Virginia City, of Miss Dunlap in Nevada City, and of Miss Darling in Bannack.¹ The first public school in Montana was started in 1866 in Virginia City, the school-house being the Union church.² One of the perplexities of both public and private teachers was the almost amusing diversity of text-books, due to the fact that the parents of the children had come from almost every state in the Union and brought text-books with them. The only text-book which could be bought in Virginia City was Webster's "little blue-backed speller", which cost one dollar each, and the supply was soon exhausted. The interest of the eastern counties of Oregon in education is shown by the fact that in 1864 there were seven school districts in Baker County and six in Umatilla County.³

¹ Miss Darling was an Ohio lady, a niece of Governor Edgerton, of Montana. An interesting account of the school taught by her, including valuable notes on other schools, may be found in *Contr. His. Soc. Mon.*, Vol. V, pp. 187-197.

² *Id.*, pp. 198-9. Mr. W. I. Marshall, afterwards principal of the W. E. Gladstone School in Chicago and well known for his contributions to the Oregon question, was for four years principal of this school.

³ *House Journal of Oregon*, 1864, Appendix, Report of County School Superintendents.

In Idaho the beginnings of a common school system were almost contemporaneous with the founding of the Territory. At the second session of the legislature an act was passed establishing the system and providing that 5 per cent of all moneys paid into the county treasuries and all moneys from fines should be used for schools.⁴ One percentum, also, of the gross incomes of toll roads, bridges, and ferries, was to be applied to school purposes.⁵ J. H. Chittenden, an energetic assayer of Silver City, who had been a teacher in his former home, was appointed Territorial Superintendent. His report of 1865 mentions that there were in the Territory 1239 children of school age, that there were three school houses, and that twelve schools had been held. In 1866 there was expended on education in the four leading counties \$6,685.⁶ These beginnings seem not discreditable to communities just sprung up in the wilderness, but there are many comments in the literature of the time on the indifference shown to education, and there was constant urging to greater efforts.

It is noticeable that in the starting and carrying on of the schools in the American territories religion and religious organizations had little direct part. A bill was reported to the Idaho legislature, it is true, which provided for the "issuance of bonds for \$30,000, bearing interest at 10 per cent. and payable to the order of Right Rev. Francis Blanchett, Archbishop of Oregon, out of the proceeds of the sales of certain school lands, to enable his reverence and the Sisters of Mary and Jesus at Portland, Oregon, and the Sisters of Providence, at Vancouver, Washington Territory, to establish and maintain schools within this Territory upon an extensive scale." In advocacy of the measure it was claimed that in Idaho there was a peculiar situation, in that the male population of the mining districts was fluctuating, and that this arrangement would enable the parents to live in the mines and still would allow the children to be educated. The opponents objected that the manner of disposing of the lands de-

⁴ *Laws of the Territory of Idaho, Second Session*, pp. 377-83.

⁵ Report of J. H. Chittenden, Supt. of Public Instruction, 1865, *Owyhee Avalanche*, Oct. 28, 1865.

⁶ Hailey, *His. of Idaho*, p. 134.

pended upon Congress, and that such schools would be aristocratic.⁷ The bill failed to pass, and public schools in the American Territories remained free from religious patronage.

In the English Colonies, however, the participation of the church in education was stimulated by the precedence of Roman Catholic schools at Victoria, and by 1863 two collegiate schools of the Episcopal church were in existence there having eight teachers and sixty-one pupils. The desire for schools on the mainland was voiced in a petition from Yale to the Bishop of Columbia, in which the married inhabitants stated that the previous summer they had tried to form a school, but that it "had succumbed to the strife for gold"; that now they hoped for the establishment of schools, as well as churches, in the various townships; and that such institutions would encourage individuals to bring wives and children.⁸ The bishop promised a schoolmaster. A like petition came from Hope. An address from New Westminster praised the Bishop's ideas in regard to schools.⁹ There was an address also, from the "Clergy, Churchwardens, Members of the Church of England and Inhabitants of Vancouver's Island", which expressed pleasure at the "intention to form and maintain schools for the education of the rising generation and of Indians."¹⁰

One of the marked features, indeed, of the educational work inaugurated in the British Colonies under the auspices of the church was the inclusion of Indians, and even of Chinese. The addresses, mentioned above, signify the desire for education of Indians, and English rectors formed classes for Chinese.¹¹ In the American territories, on the other hand, education of Indians was not thought of as a duty on the part of the local popu-

⁷ *Journals of the Council and House of Representatives of Idaho Territory, Fourth Session*, pp. 351-7. In connection with the beginnings of education in the Inland Empire, we may note that, in 1861, Rev. Mr. Eells was at the Old Mission at Walla Walla, worn with teaching, and purposing to form at that place an institution of higher learning; *Oregonian*, Aug. 17, 1861.

⁸ *Columbian Mission, Occasional Papers*, 1860, App. 1, p. 37-8.

⁹ *Id.*, App., II and III, pp. 38-41.

¹⁰ *Id.*, App., IV, p. 42-3.

¹¹ A remarkable school and Indian settlement was founded by Wm. Duncan at Metlakkathlah, about twenty miles from Ft. Simpson; on this see *Holcombe*, Rev. J. J., *Stranger than Fiction*.

lation and the instruction of Chinamen, so far as the author has been able to learn, was not considered.

But the process of establishing public schools in British Columbia lacked the instantaneousness and spontaneity which were exhibited in the American districts. In 1855, indeed, three schools of a semi-public character, the expense of which was met from the colonial treasury, were established on Vancouver Island by the Hudson's Bay Company. These were under the supervision of Rev. E. Cridge, M. A. Early in 1861 need was felt for additional public schools, but it was not until 1865 that the Vancouver Island House of Assembly set aside ten thousand dollars for public school purposes. Mr. A. Waddington became superintendent, and there was an attendance of four hundred pupils. At the union with British Columbia, however, in 1866, these schools were practically defunct, though some were kept open for a year or two longer. After the union a Common School Ordinance was passed in 1869, which was amended in 1870; under this ordinance a few new schools were established, chiefly on the mainland. The system, however, did not provide for absolute free schools, and experience demonstrated that these were necessary. Finally, on entering the confederation, a free Public School Act was passed, under which the public school system of British Columbia has steadily progressed.¹²

The establishment of religious institutions was early put in train both in the colonies and the territories, but, as in the case of education, the process exhibits characteristic differences.

In the American region churches were sometimes initiated by local efforts, but more often at the impulse of representatives of eastern missionary societies. At Silver City a union church building was erected, for the most part from local funds. At a Christmas festival in 1866 it was filled with "the youth and age of both sexes" and many Christmas gifts were exchanged; the local paper said that it was "pride inspiring and a retaste of God's country."¹³ At Boise City *The Statesman* mentioned that

¹² *First Annual Report of the Public Schools of British Columbia*, John Jessop, Superintendent of Education, Victoria, 1872. p. 2. "There had been a public school in New Westminster from about 1863, supported by fees from the pupils, supplemented by a Government grant."—Note from Judge F. W. Howay.

¹³ *Owyhee Avalanche*, Feb. 3, 1866.

three clergymen had held services on one Sunday, and in the Boise Basin Father Paulin was accustomed to hold services in all the important towns.¹⁴ Though there were doubtless in Idaho, as elsewhere among the miners, a good many assertive skeptics, yet respect was paid to such representatives of religion as Bishop Tuttle of the Episcopal Church: "The Bishop was loved and respected by the men of the Basin, no matter what their creed or nationality, and no matter how crowded the streets might be, if the men saw the Bishop coming, the way was cleared and as he passed, hats were lifted and kindly greetings given".¹⁵ Bishop Tuttle labored long, also, in Montana, although ministers of other denominations preceded him. In 1864 there were at work in Montana, Rev. Jonathan Blanchard, D. D., president of Wheaton College, (Illinois), Rev. A. M. Tarbet, Baptist; Rev. George Grantham Smith, Presbyterian, and Rev. A. M. Hough, Methodist.¹⁶ Sometimes, as in the case of Mr. Blanchard and of Mr. Smith, ministers were sent out as exploring missionaries by eastern societies—in mining parlance one might call such, clergymen prospectors. Within a few years following 1864 church buildings of different denominations were erected in all the important towns.

Biographical notes from some of the early preachers in the mining communities give glimpses of the life in these communities.

The Rev. George Grantham Smith arrived in Bannack in June of 1864, and his trunk was eighteen months in following him, "So that I was in my first parish for eighteen months with no book save my small English Bible without note or comment; and I have the most intelligent and wide-awake congregation I have ever ministered unto." On his arrival the sight of his umbrella, in a country of very little rain, brought forth shouts up and down the street of "tenderfoot" and "pilgrim." Since board at the hotel cost one hundred dollars per week in legal tender, Mr. Smith erected a rude cabin and boarded himself. But even then when speculators sent flour to five hundred dollars per barrel

¹⁴ *Idaho Weekly Statesman*, Nov. 19, 1865; *Idaho World*, April 14, 1862.

¹⁵ Hailey, *Hist. of Idaho*, p. 117.

¹⁶ *Contr. Hist. Soc. Mont.*, Vol. VI, pp. 292-4.

(legal tender), he had to live on meat straight. He preached in an unused store room, "organized a Sunday School and commenced regular Sabbath services with good and attractive audiences". Later he went over to Virginia City. There the room in which he preached was next door to a big gambling establishment, which had a brass band. When the band struck up, the miners in Mr. Smith's audience began beating time so loudly with their heavy boots, that the minister was compelled to stop; then a "long lank, lean fellow in buckskins called out, 'Boys never mind the music. The elder has the floor. You listen to him. Elder, go on; you shall not be disturbed again'. I was not. The text was 'Godliness is profitable unto all things.' Still my subject was scarcely grave enough to keep me from laughing when I dismissed the congregation, for the seats of the pants of those men, who had not laid aside their American trousers and come into the full-fledged native buckskin, were patched with all the varied brands from flour sacks, such as 'Superfine', 'I. X. L.', 'Superior', 'Excelsior' or 'Gilt Edge'.¹⁷

The work of the Episcopal Church in Montana was well begun by Bishop Daniel S. Tuttle, (mentioned above) who preached at Virginia City, Deer Lodge, Missoula, Helena, Butte, Bozeman, and many other places. It was typical of his work in Montana, he wrote, that many people, "who were not churchmen or churchwomen, nevertheless cast their lot with us and heartily, loyally, and generously supported our work." Contributions were comparatively large for new communities; at Virginia City the congregation paid a fixed salary of \$2,500, and at Helena \$3,000. One singular contribution came, characteristic of miners' ways, when men urged a certain Scotchman, who thought himself a poet, to give a public reading in a hall. They industriously sold tickets and then at the reading guyed the poor fellow unmercifully. The proceeds, \$102, were given to the Bishop for the use of the poor. Although living in a rude cabin, the Bishop wrote concerning the first year in Virginia City: "I am loth to lay by my pen in writing of my first year in Montana. My letters to Mrs. Tuttle from the cabin are filled with enthusiastic outbursts over the sunniness and pleasantness of the winter. And

¹⁷ *Contr. His. Soc., Mont.*, Vol. VI, pp. 295-299.

that, too, though more than once the thermometer registered into the twenties below zero, and though the winds piled some snow through the crevices of my abode. So, also, spite of the wildness and wickedness with which I knew I was surrounded, and spite, too, of a loneliness which would make itself felt, there were great stretches of sunniness and pleasantness in my Virginia City experiences for which then, and all along after and now, I have thanked God and take courage." At Helena the Bishop helped vigorously in fighting the great fire of February 15, 1869, and marveled at the "buoyancy and pluck" of the people in at once starting rebuilding. His first experience in Butte was described as follows: "Butte was an infant quartz town, struggling with its swathing bands. No church of any kind was there, or minister either. We secured the use of an unfurnished new store on Main street, fitted up a big dry goods box for a pulpit; stretched boards on carpenter's 'horses' for seats, and held our services in the evening. Sleeping quarters were hard to find. Some one gave us two the privilege of betaking ourselves to his cabin. There was no floor. Rolled in our blankets we went to sleep on the soft earth. And we thought ourselves alone. When we awoke next morning eleven fellow sleepers were with us, packed almost like the occupants of a sardine box." Sojourning thus in rough quarters, driving often long distances, the young Bishop through many years performed the kindly ministrations of burial, wedding, baptism, and preaching.¹⁸

The following notice chronicled the dedication of the first Methodist church in Montana: "Providence permitting, the first Methodist Episcopal Church of Montana Territory in Virginia City, will be dedicated to the worship of God, Sabbath, Nov. 6, 1864. * * * a general attendance of all lovers of Zion is invited."¹⁹ The building was made of logs split in two with saws, muslin was used for windows, and there was a dirt roof which gave much trouble. There were thirty members at Virginia City. Of these "Brother Ritchie was a laundryman—class leader, Sunday School superintendent, trustee, chorister, and

¹⁸ Tuttle, Bishop Daniel S., *Early History of the Episcopal Church in Montana, Contr. His. Soc., Mont.*, Vol. V, pp. 289-324.

¹⁹ *Montana Post*, Oct. 29, 1864.

sexton." Brother Geo. W. Forbes was "our financier"; he had come in with the first rush, having a few hundred dollars and returned home three years later worth \$75,000. Brother J. B. Weeks was a quartz enthusiast, sturdy in frame, who spent most of his time prospecting. Rev. A. M. Hough was the minister. At one time, Mr. Hough, on a trip to Prickly Pear had to stop for a night at Daly's Ranch. All were compelled to stay in the bar-room, where there was gambling, drinking, and "huge profanity." "I confess I was afraid as I saw every man with a large knife and revolver strapped about him. I did not know the character of those rough mountaineers as well then, as I did afterwards." At bed time Mr. Hough read from the Bible aloud and prayed; there was perfect silence, a number knelt in prayer, and profanity ceased. In Prickly Pear Valley he preached once in a saloon, and "everything was done to make it comfortable, by the gentlemanly proprietor." Another saloon-keeper at Nevada City offered the use of his saloon on any evening of the week, but could not afford to let it be used on Sunday. The people were generous in contributions, the collection plates usually being gold pans; "Men drew out their buckskin purses, and either poured out a quantity of gold dust on the plate, or took out a pinch between the thumb and finger, which would be equal to 25-50 cents." "Funerals were sometimes simplified to the last degree. I saw one where the coffin was made of 'shakes,' a wheelbarrow served as a hearse, and the procession consisted of one man." An interesting observation is made by Mr. Hough concerning enforcement of law. "One of the things I could never understand", he says, "was that in communities where the population was ready to rise *en masse* and hang men guilty of great crimes or sustain an organized Vigilance Committee in doing it, a legal conviction and execution will not be sustained."²⁰

In the activities of the Roman Catholic Church in Montana the Society of Jesus was conspicuous. This Order had long had well-conducted establishments for the Indians at St. Ignatius, Coeur d' Alene, and St. Mary, though the latter was now aban-

²⁰ Hough, Rev. A. M., *Establishment of our Mission in Montana—Notes from My Diary*, MS.

doned. At these stations white miners were often entertained and, sometimes, in times of danger from the Indians, received shelter. But the Jesuits felt that their first duty was to the Indians, and it was difficult to get priests for the whites—a difficulty increased by the great dearth of clergymen caused by the rapid rise of new communities throughout the West. A chapel for whites was, however, erected in 1863 near Hell's Gate Village, and Father Giorda in the same year visited Virginia City. The first church at that place, All Saints, was dedicated about Christmas time, 1865, and at Helena the next year a church was dedicated to the Sacred Hearts of Jesus and Mary.²¹

It would be a mistake, of course, to think that the mass of the American mining population was composed of men who conformed to the requirements of religion; but it is equally a mistake to think of this population as entirely oblivious of religion, or to think of the agencies of religion as entirely neglected. Indeed, it is surprising that the people of the East, engaged in the Civil War, should have been as active as they were in trying to found institutions of religion in these far-off camps.

In the founding of religious institutions in the British colonies the efforts of the motherland to reproduce the main features of its own society were particularly earnest, conscious, and systematic.

Churches of several denominations were started in Victoria and on the mainland. Congregationalists were assisted by the British Colonial Missionary Society, and Presbyterians by the Presbyterian Church of Ireland. The Jews had a good synagogue in Victoria, presided over by an intelligent and respected rabbi. A minister of the Church of Scotland, also, held services. Methodists were composed largely of Canadians, a fact which may help to explain the early activity of that denomination in Cariboo. The Roman Catholic Church was first in the field, and it possessed at Victoria a "commodious church and extensive schools." A Roman Catholic Bishop in Victoria had served among the Indians nearly thirty years. It was said that a "con-

²¹ Palladino, Rev. Lawrence, S. J., *Indian and White in the Northwest, A History of Catholicity in Montana*, Part II, Chaps. III-VI.

siderable portion of the means by which that Church is sustained comes from the Propaganda of Lyons.²²

In the establishment of these various denominations in the British Colonies, there was nothing particularly distinguishable in the process from that which was going on in the American territories; but in the planting of the Church of England there were elements characteristically British.

There was an earnest desire in England that this promising colony should not be the scene of such disorder and bloodshed and cruelty to Indians as, it was reported, had occurred in California, and that the institutions of England should be early reproduced in the Colonies. The Diocese of Columbia, accordingly, was created, and the Rev. George Hill was appointed Bishop. The revenues of the new diocese were large; collections and subscriptions from various congregations in England amounted to £15,220, and Miss Burdett-Coutts gave an endowment of £25,000. In 1862 the contributions from various sources were as follows:

Columbian Mission	£4700
Society for the Propagation of the Gospel.....	£1100
Church Missionary Society.....	£300
Congregational efforts	£2000

Besides, there was raised in the Diocese itself in the first three years the sum of £6232.²³

The interest taken in England in the starting of the Mission is shown in the *Report of the Proceedings at a Public Meeting Held in the Egyptian Hall, Mansion House, London, November 16, 1859*. The meeting was called at the request of "various Merchants, Bankers and Traders" and The Right Honorable the Lord Mayor was in the chair. In his speech the Lord Mayor

²² If the above report were true, it is interesting to think of a Church being nourished in these distant regions by the ancient community whose Christians in the times of Marcus Aurelius were persecuted.

The account in the paragraph is based for the most part upon Macfie, *Van. Id. and Br. Col.*, pp. 77-90. This author makes a classification of churchmembers in Victoria according to business engaged in: Methodists, he says were small retailers and jobbers; Presbyterians and Congregationalists, jobbers and larger store keepers; Church of England men, whole-salers, bankers, and lawyers. P. 417.

²³ *Columbian Mission, Occasional Papers*, 1860, p. 32; *Id.* 1863, *Pastoral Addresses*, p. 5.

said: "By this discovery of gold it appears patent and palpable to me that the Anglo-Saxon race have had opportunities given them of extending themselves yet more widely, and of peopling countries that but a few years ago were mere deserts. But there is something more than that. The Anglo-Saxon race, remembering the religion of their fathers, are anxious to maintain, implant, and support that religion on the distant shores of the other side of the globe." The Bishop of Oxford spoke as follows: "Now, My Lord Mayor, I can hardly conceive a more important matter to be done by a Christian people than that of founding a new colony. (Hear, hear.) England I think, has been for the most part guilty in this matter. She has thrown as it were the seed of men upon this and that part of the earth without any further consideration than that she relieves some temporary press at home, or gets rid of some inconvenient members of the home society. She has seldom contemplated * * * what it was indeed to be the foundress of a nation. Of course the first conditions, My Lord Mayor, of carrying this great work out faithfully must be this: that provision must be made by the founding nation for reproducing itself, in its own characteristic elements and in its own special institutions, in the distant land to which it sends its sons. * * * This great responsibility this nation is now undertaking in the settlement of British Columbia". At this meeting there was announced a contribution from Her Majesty of £250 to the Mission, and from the Marquis of Westminster of £200.²⁴

The Bishop landed at Victoria in January of 1860. With him were seven clergymen and three ladies. His diocese comprised both Vancouver Island and British Columbia.

A serious question confronted him at the start. This was whether there should be an attempt to establish in the diocese a State Church. For some time there had been very warm discussion of the subject in the colonies, and Governor Douglas had been bitterly assailed for having given some grants of land on which to erect church buildings and for alleged favoring of a

²⁴ *Columbian Mission, Occasional Papers*, 1860, pp. 17-30.

State Church.²⁵ It had been anticipated that the Bishop would favor an Establishment, but in his first sermon he distinctly disavowed any such idea.²⁶

The Bishop made a number of long journeys on the mainland, on one of which he endured the terrible toil of a trip to Cariboo, when the trails were still unimproved. Brave, energetic, and patient, he adapted himself well to the new strange life, mingled easily with all classes of men, and keenly observed the country and its people. He dedicated a new church at New Westminster (the site for which was cleared by the Royal Engineers), and preached in a saloon at Antler Creek. Communicants were few, but audiences were good and of every religious complexion—"Wesleyans, Presbyterians, Roman Catholics, Socinians; Jews and Deists, Tom Painists, Phrenological Materialists, Atheists." It was remarkable, as an old major of the United States Army commented in Cariboo, "how those brought up in the Episcopal Church retained their affection for it, and how adherence was continued from father to son". There seemed a marked difference in the respect paid to religion by Canadians and those from others of "our colonies", as compared with other miners—not a few of whom were abusive of religion. The Bishop's life in the new world often contrasted strangely with his life in England: "On this my 44th birthday", he wrote in his journal, "I awoke on the floor of a log hut, in the wild and almost inaccessible recesses of the Cascade Mountains, the Frazer (*sic*) flowing at my feet." But the Bishop rejoiced in the glorious scenery of the Fraser and made no word of complaint. He liked to talk with miners and packers, and admired the enterprise, ingenuity, and versatility of the Americans. To the condition of the Indians he gave sympathetic attention. In his work he had earnest helpers, such as the reverend gentlemen, Brown, Sheepshanks, Reynard, and Knipe. By 1863 there were in the diocese eleven churches, six mission chapels, and eighteen stations, served by fifteen clergymen and three catechists. The work

²⁵ *Columbian Mission*, 1860, p. 13: A petition to His Grace the Duke of Newcastle, Her Majesty's Principal Secretary of State for the Colonies,—*The British Columbian*, Feb. 28, 1861; Pemberton, J. D., *Van. Id. and Br. Col.*, p. 132.

²⁶ Macfie, *Van. Id. and Br. Col.*, p. 354-5.

was carried on in the towns, the rural districts, and the mines, and among the Indians and in education.²⁷

The work in Cariboo, for years "the very heart and center of the whole colony", was especially significant. Rev. Mr. Garrett and others laboured there for a number of summers; but in the summer-time when the water was running, the miners were so intent on their work that they would pay little attention to religious services. By 1866, however, many miners and merchants had come to winter in Cariboo, and the resident population was estimated at 2000. These men were idle during the winter, and then was the opportunity for getting hold of them. It was felt that a resident clergyman was needed. But it was perceived, also, that this field demanded an able man—"active, affable yet self-contained, wise, prudent, patient." "This emphatically", wrote the Rev. Mr. Garrett, "is not the place for an inferior man".

To this difficult field Rev. J. Reynard, Principal of the Indian Mission at Victoria, volunteered to go with his wife and family, and he was assigned the post. When it was known that they proposed to stay the winter in Cariboo, there were emphatic remonstrances: "They will starve," telegraphed Chief-justice Begbie to the Bishop. Nevertheless, Mr. Reynard and his family arrived in Barkerville in August 1867 and settled down in a two-roomed cabin at a rental of \$60 per month.

The ideal of this ministry may be given in Mr. Reynard's own words. "I hope," he wrote, "to live amongst my flock the simple, straight-forward life of a 'Country Parson,' exercising a frank and cheerful hospitality; showing to many, sundered by years and thousands of leagues from early influences, that homes do still exist. I purpose to carry to the outlying creeks and lonesome settlements of this wild land the kindly ministrations of religion; to help and direct all innocent amusements, and to afford to the frugal and industrious Chinese some light of schooling and Christian truth."²⁸ Again at the end of his third year Mr. Reynard wrote as follows: "I look back on the past winter

²⁷ The sources for this paragraph are the *Journals* of Bishop Hill from 1860 and for 1862-3. These are found in *Occasional Papers*, 1860 and 1863; also extracts from that of 1860 in Hazlitt's *Cariboo*, pp. 153-165.

²⁸ *Occasional Papers*, Report, 1869, p. 56.

with great satisfaction. Every step in advance has been honorably striven for,—won by unstinted unslackening effort. I hope still, with God's help, to go on: reasoning of 'righteousness, temperance and judgment to come', helping on all that is 'honest and of good report', turning to the service of Christ men hard indeed to impress, but so well worth the effort".²⁹

The trials of the work were severe. Hardly was Mr. Reynard well settled, when a mining-camp fire swept over the settlement, destroying one hundred houses. The old church by which he hoped to pay for a cottage, was burnt. "Lamps, benches, books, robes"—articles hard to replace in Cariboo—were gone. Most people advised him to leave, "but this I cannot do, dare not, will not think of". There was a good deal of bold and brutal infidelity among the miners; some asserted that "religions are all alike—useless and purposeless". "It has been a cruel time," he wrote, "hopeless and bookless"; but the "old Yorkshire tenacity of purpose" held true. Solace came with the arrival of some books, and once more he felt, in his own words, "totus teres atque rotundus". Soon after, however, came a spell of severe cold when the mercury "at one leap" went to thirty-eight degrees below zero and then froze. The parson, unskilled as most Englishmen in the use of the axe, cut his hand badly. While suffering from this wound, he took his son along to the place where he held meetings, in order to distribute books, and the boy's foot was so badly frozen that the skin peeled off. "And now, my lord, I felt beaten, tyrannous, cold, maimed hand and foot—for the first time incapable of the world's work—my 'hands hung down', and I felt as I think I should had I been another sort of soldier, and, stricken down at the beginning of some great battle, heard my comrades pass on 'shouting' for the victory". In another time of extreme cold, "a fifth little recipient of our Saviour's grace and tender pity was born unto us. We were poor then, my lord, and the cold made life all the harder * * *. What wonder, then, that the mother's maternal 'joy that a man was born into the world was attempered with emotions of pure tenderness, and piteous moans of 'My poor baby, thou'rt come to a cold world.' " In the bed near the stove the port wine froze.

²⁹ *Occasional Papers*, Report of 1870, p. 58.

But, "We had a true neighbor in Mrs. Lee. My hand was better and we pulled through". "That poor baby, blue with cold", Mr. Reynard wrote the next summer, "is now a great hearty lad all smiles and dimples."

One of the main efforts of Mr. Reynard's work in Cariboo was to keep the young men away from the saloons and dance houses. To this end he organized a "Church Institute" and advertised it in the Cariboo Sentinel. On Monday evening instruction in Latin and English was offered, and on Tuesday evening there was band practice; on Wednesday and Saturday evenings the room was opened for reading, chess, etc., the magazines available being Blackwood, Cornhill, the Edinburg Quarterly, and the Pall Mall Budget; on Thursday evening there were algebra and arithmetic, and on Friday choir practice. An offer, probably often accepted, was that more elementary instruction would be given, if required. Some Chinese studied under Mr. Reynard, among whom were four Tartars "men of remarkable concentration"; the Chinese proper he found full of fun and more simplehearted. Mr. Reynard appears to have been a man of wide culture with a taste for teaching, and with something of genius for music. The classes in music were well attended, and "a good 'hearty, joyful noise' my Cariboo chorus makes." "Often I have felt repaid for all this exertion", he wrote, "when going home I have seen the gleam of a cariboo lantern going up and up the snow-clad hillside, and heard from the distant heights phrases of quaint madrigals or melodious glees. Then the cheery 'good nights' would be heard, as one by one the tenants of the lonely cabins reached home, and the manly bass of the last man having farthest to travel was heard fainter and fainter. 'Music made the winter fly' they said".³⁰

A mission journey of some six hundred miles one summer relieved the tedium of Cariboo. The country on the road to Lilloet appeared "most attractive in its varied beauty" after "long experience of the creeks and sombre pine clad mountains of Cariboo". In the course of the journey on one occasion he preached to some sturdy lads about being "good soldiers 'fight-

³⁰ A Cariboo lantern consisted of a bottle with the bottom broken off, inverted, and a candle inside.

ing a good fight', by being brave, honest, simple, pure in heart', and contrasted such with cowards, deserters and traitors; on another he told an Indian beating his wife, "God hates anger * * *. Give the wife good words, and untie her hands; a wife is not a slave." At Clinton he held service in the hotel parlor on Sunday afternoon, "but a party of Oregon horse-dealers having advertised a race only a few attended."

In Cariboo the church service, especially the music, attracted a varied congregation. At one service the minister caught sight of the jack of clubs peeping from a gambler's pocket; and an Even Song Service brought in strangers of "all nations: Europeans, two Chinamen, and a few Indians. In the remotest corner was a Lascar, his dark oriental face, lean figure and gleaming eyes in contrast to the rest." A main purpose of Mr. Reynard in Cariboo was the building of a church "worthy of our system", "a decorous church that can give strength to the parson as well as influence to the people." But in this project he met much discouragement and ridicule. "The Barkerville people at this time grieved me much", he wrote. "*Cruel people du pays!* ready to worship success with mean adulation, ready to think one defeated and then, *voe victis.*" It was only with difficulty that men could be found willing to serve on the Church Committee, this unwillingness arising in part, however, from disinclination to give up Sunday labor. Material for building was expensive, the carriage of glass from Victoria costing \$127, which was six times the original cost. But, finally, the following notice appeared in the Cariboo Sentinel of September 24th, 1870: "St. Saviors Church". "Rev. James Reynard formally opened the new church bearing the above name in Barkerville on Sunday last. A larger number of people than usual attended the service, and the completion of the church was the occasion of much congratulation toward Mr. Reynard, who has shown a great deal of patience, energy and industry in the work he undertook."

Mr. Reynard acknowledged that his work in Cariboo was not a great numerical success, but "It has gathered round me the young, the intelligent—the better sort every way: it is an influence to strengthen all that is good, honest, true; to help the wavering by frank companionship, and profference of the solid for the

doubtful; an influence to warn the fallen; while it is an undying protest against all that is reckless and wanton”.

Mr. Reynard stayed one more winter in Cariboo, and then, his health having failed, he was transferred to Nanaimo. “The loss”, said the report of 1871, “is great for Cariboo, and no one has been found to take his place”.³¹

It would seem clear, we may say in conclusion, that, though there were characteristic differences in forms of religious action in the colony and in the Territories, the mining advance in both regions was accompanied by early, vigorous, and, in a measure, successful efforts to plant in the new fields the institutions of religion.

³¹ The material for this account of the Cariboo mission has been derived from the *Occasional Papers and Reports of the Columbian Mission, 1868-71*. I have not had access to a wider range of sources, which might reveal other aspects.

PART IV

LAW AND GOVERNMENT

CHAPTER XI

THE ESTABLISHMENT OF GOVERNMENT AND LAW IN
BRITISH COLUMBIA

In considering the establishment of government and law in British Columbia, we shall limit our study to the period preceding union in 1866 with the Colony of Vancouver Island, and, for the most part, to the administration of Sir James Douglas.¹

Sir James Douglas stands out as the most significant figure in the history of the mining advance. He had in British Columbia, it is true, able and distinguished coadjutors, and south of the Line there arose in many localities energetic and determined leaders, greatly worthy of respect; but in neither region was there any one person whose life was so broadly, essentially, and commandingly impressed upon his time as was that of the first governor of British Columbia.

Douglas was born on the island of Demarara in the West Indies in 1803. As a lad of seventeen he took service with the North West Fur Company and, on the merging of that company into the Hudson's Bay Company, continued in the employ of the latter, his field of activity being the region west of the Rocky Mountains. A young man of energy and decision, Douglas rose rapidly in the company's ranks until finally he became Chief Factor. In addition to this office, he was appointed in 1851 Governor of the Colony of Vancouver Island, and these two offices he held when in the spring of 1858, as has been narrated in a former chapter, came the great influx of miners which brought about the founding of the Colony of British Columbia.²

¹ It would be interesting to trace the important process of unification with Vancouver Island and then of confederation in the Dominion, but such study would digress from the purpose of this work.

² Chapter III.

For two years before the great movement to the Fraser River, as we have there noted, Mr. Douglas had kept gathering information in regard to the discoveries of gold on the mainland and had transmitted this information to the colonial office and to the officials of the Hudson's Bay Company in London. In his letters to the home authorities there is constant recurrence to the danger to be apprehended from trouble between the Indians and whites, in case of large numbers of the latter coming into the country; to the necessity for keeping order and the need of a military force for that purpose; and to the requirement, consequently, of adequate revenue from some quarter.³ Even before the coming of the miners in large numbers, on December 28th, 1857, Mr. Douglas issued a proclamation (which he caused to be published in the newspapers of Oregon and Washington), in which he asserted that "by Law all mines of Gold and all Gold in its natural state of deposit within the Districts of Frazer River, and of Thompson River, commonly known as the Quaatlan, Couteau, or Shewshap countries, whether on the lands of the Queen or any of Her Majesty's subjects, belong to the Crown". All persons were forbidden to search, dig, or take gold without being duly authorized by "Her Majesty's Colonial Government"; such authorization (announced in "Regulations" issued the next day) was to be conferred by license obtainable at Victoria and was dependent upon the payment of twenty-one shillings per month.⁴

In asserting the ownership in the Crown of precious metals whether found in Crown lands or in those privately owned, Mr. Douglas was acting in conformity to English law and precedent, but in contrast to the customs which held sway in the American

³ Copies of a number of these letters are printed in Cornwallis, *The New El Dorado*, pp. 341-368.

⁴ *British Columbia Proclamations*, pp. 1-3. So late as May 8, 1858, however, this system had not come into operation. (Dispatch to Right Hon. Henry Labouchere, May 8, 1858). In June, however, the requirements were decisively put in force. At Victoria there was a long line of men at the Fort to obtain licences and H. B. M's steamer Satellite was stationed at the mouth of the Fraser with orders to allow no one to proceed up river without a license. On one occasion some fifty passengers, mostly Irishmen, on board the American steamer Surprise, refused to take out licenses, but were cowed by a file of marines. (*Victoria Gazette*, June 30, 1858). Still, miners who came overland evaded the license, and few paid for more than one month. (De Groot, *Br. Col.*; *Its Condition and Prospects*, p. 23.)

territories. The principle on which the American miners acted was expressed by Governor Stevens when, in protesting against the British tax, he wrote: "in the absence of positive law prohibiting such occupation and use, it is believed to be the natural right of every man who enters a totally unoccupied country to cut timber and wood, to consume the fruits of the earth, and gather all the products of the soil, which have not before been appropriated".⁵

The authority of Mr. Douglas for issuing the above proclamation and regulations, indeed, was questionable. The form used in making the proclamation was "By His Excellency James Douglas, Governor and Commander-in-Chief of the Colony of Vancouver's Island and its dependencies, and Vice Admiral of the same, etc." Douglas himself wrote on this point: "My authority for issuing that proclamation, seeing that it refers to certain districts of continental America, which are not strictly speaking within the jurisdiction of this Government, may perhaps be called in question; and I trust that the motives which have influenced me on this occasion, and the fact of my being invested with authority over the premises of the Hudson's Bay Company, and the only authority commissioned by her Majesty's Government within reach, will plead my excuse. Moreover, should her Majesty's Government not deem it advisable to enforce the rights of the Crown, as set forth in the proclamation, it may be allowed to fall to the ground and become a mere dead letter."⁶ Her Majesty's Government, however, through Sir E. Bulwer Lytton approved the course of Douglas "in asserting both the dominion of the Crown over this region, and the right of the Crown over the precious metals."⁷

Another proclamation, however, was distinctly disallowed by the home Government, and was bitterly assailed by many persons in the colony and in the American territories. This was the proclamation of May 8, 1858, heretofore discussed, which

⁵ Letters from Isaac I. Stevens, Congressional Delegate from Washington Territory, to Hon. Lewis Cass, Secretary of State, July 21, 1858, found in Cornwallis, *New El Dorado*, pp. 322-337.

⁶ Douglas to Labouchere, Dec. 29, 1857, Cornwallis, *New El Dorado*, p. 348-9.

⁷ Secretary Sir E. Bulwer Lytton to Governor Douglas, July 1, 1858, *id.*, p. 366-7.

forbade trade and navigation on the Fraser River except on sufferance of the Hudson's Bay Company. It was claimed that the miners were deprived of supplies badly needed, that the whole mining population was forced to pay toll, that the profits from furnishing supplies from California, Oregon, and Washington would be diverted to the coffers of the company, and that trade with London would be stifled.⁸ Indeed, the restrictions sought to be imposed were sufficiently rigorous, especially when contrasted with the free-for-all attitude in the American territories. A sufferance for canoes cost six dollars, and for larger vessels twelve; the use of any unoccupied Crown land by the erection of a temporary building or tent for the purpose of carrying on trade, thirty shillings per month, and licenses for selling liquors, one hundred to one hundred twenty pounds per annum. In defense of his course the governor claimed that the Hudson's Bay Company were not accountable for the prohibitions, but the customs-law of Great Britain, in accordance with which all persons not nationals were excluded from trade on the Fraser River.⁹

In fact there was a tangle of interests at this time, and Governor Douglas, standing at the central point of the swift whirl of events and somewhat apprehensive of the American advance, with strong feeling of loyalty to the great company for whose interests he had so long planned and toiled, yet with some promptings of imperialism and with growing ambition for distinction in the Colonial Service,—by no means, indeed, unmindful of the welfare of the miners,—pursued a conservative and tentative course. All legislation for British Columbia up to the formal announcement (in November, 1858) of the annulment of the Hudson's Bay Company's License to Trade and of the establishment of the new government was exigent and temporary. On the whole, British Columbia may be counted fortunate that there was available in her hurried birth throes at the time of a great mining rush a man who knew thoroughly the country, who was intimately acquainted with the Indians and with Indian

⁸ See Steven's letter to Secretary Cass, Cornwallis. *New El Dorado*, p. 336; also, for various points of view consult id., pp. 392-400.

⁹ *British Columbia Proclamations*, p. 7.

habits, and who was trained in a great administrative system—a man masterful and firm (if at times, perhaps, mistakenly so) and at any rate, a man who applied himself with diligence and devotion and thoughtfulness to a great work. The British colonial administration system did not always have at hand men of the calibre of Douglas, and so, in any comparison of the governmental systems north and south of the Line, it is at least fair to make allowance for the happy coincidence, in the case of British Columbia, of a formative time and a superior leader.

The home government was not dilatory in taking the necessary steps for the establishment of government in “certain wild and unoccupied territories on the northwest coast of North America, commonly known by the designation of New Caledonia.” The act to provide for the government of British Columbia was passed August 2, 1858. In the preamble it was declared that “it is desirable to make some temporary provision for the civil government of such territories, until permanent settlements shall be thereupon established, and the number of colonists increased”. The most important clause was that which empowered Her Majesty by orders in council “to make, ordain and establish, and (subject to such conditions or restrictions as to her shall seem meet) to authorize and empower such officer as she may from time to time appoint as Governor of British Columbia, to make provision for the administration of justice therein, and generally to make, ordain, and establish all such laws, institutions, and ordinances as may be necessary for the peace, order and good government of her Majesty’s subjects and others therein”, provided that all such orders in council, and all laws and ordinances, “shall be laid before both Houses of Parliament as soon as conveniently may be after the making and enactment thereof respectively.” It was to be lawful for her Majesty, whenever she might judge it convenient by an order in council to empower the governor to constitute a legislature to be composed of a Council or Council and Assembly, “to be composed of such and so many persons, and to be appointed or elected in such manner and for such periods, and subject to such regulations, as to her Majesty may seem expedient”. Appeals in civil suits might be taken to her Majesty in council in the same manner as suits

in Canada, but subject to such further regulations as her Majesty, with the advice of the Privy Council, might enact. No part of the colony of Vancouver Island was to be comprised within the new colony, but on the reception of an address from the two houses of the legislature of Vancouver's Island, her Majesty might annex that colony to British Columbia. The act was to continue in force until the end of the then next session of parliament.¹⁰

Some interesting features are found in the debates in parliament upon this act. There was very considerable hostility shown towards the Hudson's Bay Company and, therewith, adverse criticism of Governor Douglas. Some members showed comprehension of the trials of a young mining community; as, for example, Mr. Roebuck, who declared his belief that lynch law really might be a beneficial institution. Mr. Gladstone somewhat passionately protested against the mode of founding a colony as outlined in the act, for it allowed too autocratic power, he asserted, to the Crown and to the governor of the colony. Sir E. Bulwer Lytton in defense said that the immediate object was to establish temporary law and order; and added that, besides the promising outlook in gold mining, "more national, if less exciting, hopes of the importance of the colony rest upon its other resources * * * and upon the influence of its magnificent situation upon the ripening grandeur of British North America."¹¹

The position of governor was conferred upon Mr. Douglas on strict condition of his giving up all connection with the Hudson's Bay Company; but he still continued to be governor of Vancouver Island. Matthew Bailie Begbie was appointed Judge of the Supreme Court of British Columbia, and other officials were named by the Crown for the positions of Colonial Secretary, Treasurer, Attorney General, Commissioner of Lands and Surveyor General, Collector of Customs, Chief Inspector of Police, Register General and Harbor Master.¹² The new colony was

¹⁰ *British State Papers*, 1858-9, pp. 739-42; a copy of the Act is found also in Cornwallis, *New El Dorado*, pp. 317-22.

¹¹ Hansard, *Parliamentary Debates*, pp. 1096-1121 and 1762-1770.

¹² The *London Times*, March 24, 1859; *British Columbia Proclamations*, p. 151.

formally declared at Langley, November 19, 1858. Proclamations were issued at the same time which declared English law in force in British Columbia and which indemnified the governor for previous acts.¹³

Before we proceed to discuss the main features of the administration of Governor Douglas, it may be well to make some inquiry as to his personality. In stature above six feet and well-proportioned, he exhibited in his bearing a certain stateliness, tinged, perhaps, with self consciousness. His face was clear-cut, though at this period weather-beaten, and his features suggested most prominently intellectuality, determination, and quickness of action. His manner was generally austere, but on occasion agreeable and even jolly. Both by training and temperament he was masterful, and at times autocratic and arbitrary.¹⁴ But he was a just man, and on the whole managed to get along well with the miners and to command their respect and a measure of their affection.¹⁵ He worked hard, and even hostile critics admitted that he possessed "considerable energy, with some ability and power of organization." Though these critics constantly harp on the idea that he was unfit for office because of having "lived beyond the pale of civilized life for more than thirty years", they concede that he was "not indifferent to mental culture," and that since becoming governor "he has read hard for information."¹⁶

One of the best ways by which to get a just view of the real

¹³ *British Columbia Proclamations*, pp. 23-27.

¹⁴ In the San Juan affair, for example, the conduct of Douglas was precipitate and arbitrary; most serious consequences were averted mainly through the moderation of the officers of the British fleet. Governor Douglas had given Captain Hornby authority to prevent the landing of the United States troops and the erection of military works. See letter to Cap. Hornby, *Correspondence Book*, MS., 2nd of Aug. 1859. Again, writing to Mr. Chartres Brew concerning the payment of miners' licenses the Governor wrote, "The miners must be prepared with coin to pay their dues when demanded. The time of the officers cannot be taken up in weighing out small portions of gold dust."—*Miscel. Letters*, MS., Vol. I, p. 215.

¹⁵ "The moral habit of the man was justice",—Letter of Mr. G. M. Sproat to Mr. E. O. L. Scholefield; "The boys all thought a good deal of him",—*Reminiscences* of Wm. Stout, MS.

¹⁶ Macfie, *Van. Id. and Br. Col.*, pp. 363-95; McDonald, *Br. Col. and Van. Id.*, p. 272. A friendly observer wrote that "it seems astonishing how he gets through his work; but, as he sticks close, at it early and late, I suppose an active life suits him."—*The London Times*, Jan. 19, 1859.

character of Governor Douglas is by the perusal of the letters in his Correspondence Book, 1859-1864, which is in the provincial archives at Victoria. These letters were, for the most part, informal, many of them being written to friends. Humor is lacking in them, though there is an occasional touch of sarcasm. But there is in them no trace of lamentation, conceit, maliciousness, or unmanliness. They show constant courtesy, very considerable thoughtfulness and kindness, rather wide perspective, and some capacity for enthusiasm, together with a measure of characteristic pompousness; and, in general, they are sincere, vigorous, wholesome. While for the composition of his letters he may have at times relied upon others, often he wrote them himself, and he had command of plain, direct English.¹⁷ There was no doubt of the whole-hearted devotion of Governor Douglas to his work: "I cannot express," he wrote near the close of his official career, "the interest I feel in the welfare of these colonies, they have for years been the objects of my tenderest care. Every step in the process of construction has been anxiously studied".¹⁸ The estimate of Governor Douglas's work by the Imperial Government was shown by his being created Companion of the Bath and later raised to be Knight Commander of the Bath.

Through most of the career of Sir James Douglas in the service of the Crown, however, he encountered much obloquy and opposition. This was, in part, due to the formation in Victoria of a factious opposition party, headed by James Cooper, Harbour master of Victoria, and Amor De Cosmos, editor of the *British Colonist*; in part, to a real grievance of the people of British Columbia.¹⁹

¹⁷ For example in a letter, apparently of his own composition, he wrote to a magistrate: "I must enjoin upon you and all other magistrates in British Columbia to permit no relaxation in the laws of the land: let their provisions be rigidly enforced and all the powers of justice arrayed against offenders in order that rogues and vagabonds of every degree especially thieves and gamblers may be rooted out of the country".—Letter to Mr. Bevis, *Miscel. Letters*, MS., Vol. I, p. 63. Mr. G. M. Sproat says that he had seen Douglas revise the drafts of some of his letters five or six times.—Note from Judge F. W. Howay.

¹⁸ Letter to Mr. Good, *Correspondence Book*, Dec. 10, 1863.

¹⁹ De Cosmos' own account of his warfare against Douglas carries rather a flippant tone. He was a native of Nova Scotia who had gone to California, and from there "sick and tired of the heat of the interior," had come to

The people of that colony (whose demands were voiced, in particular, by New Westminster) disliked to be ruled by a Governor who resided most of the time at Victoria and whose interests, they thought, would lead him to favor the merchants of Victoria at the expense of British Columbia.²⁰ Moreover, it was asserted that a free British people were under an autocratic rule and were refused representative institutions—how different, they said, was the condition in the American territories—and that Governor Douglas desired to perpetuate this state of affairs. The Governor believed that representative government was not feasible, until the British element in the colony would become stronger.²¹ Moreover he was probably not averse to autocratic rule. "I, James Douglas" was prominent at the heads of his proclamations. His powers, indeed, were very extensive: he issued a proclamation enabling the Governor to convey Crown lands and followed that by an ordinance on the same subject; the full power of taxation was in his hands, and he raised large sums; he incurred an indebtedness of more than half a million dollars; and he promulgated a code of laws for the mining regions, and created an effective administration system for carrying it into effect.²² While there was danger of abuse in such powers if exercised unworthily, and while Governor Douglas persisted, perhaps, somewhat too long in postponing representative institutions, yet some sound arguments may be adduced in defense of such a system for newly-formed mining communities, as he administered. A thoughtful observer wrote as follows concerning conditions in the mining com-

Victoria. He had been but few months in Victoria when he prepared a petition for the removal of Governor Douglas on the ground that he was obnoxious to the people and that in him the Hudson's Bay Company interests predominated; and he obtained for the petition one hundred seventeen names. "That agitation", says De Cosmos, "went on from year to year. It did not have any effect."—De Cosmos, *Governments of British Columbia*. MS.

²⁰ See *supra*, p. 113. Indeed it did seem strange for the Governor of British Columbia to issue a proclamation for legalizing acts of His Honor Chief Justice Begbie, while the latter was in Victoria: *British Columbia Proclamations*, p. 32.

²¹ *British Columbian*, Feb. 28, 1861.

²² *British Columbia Proclamations*, pp. 55, 67, 121, 129, 139, and 142. One extreme form of tax was that of \$5 upon every load of a pack animal proceeding to the mines; such an outcry was raised against this tax both by the miners and by the merchants of Victoria, that it was never put into force, *Id.*, p. 73; *San Francisco Daily Bulletin*, Apr. 2, 1860.

munities south of the Line: "The people east of the Cascades are wanting in some of the most essential elements and conditions for a successful representative government. They are mostly scattered about in mining camps without families or any of the conservative influences of home, or on the road going to and fro in search of better luck. The majority of them are in no way attached to the soil, and may be in Cariboo or Australia a year hence. Yet of all people, they have most need of a government—not the complex and elegant machinery of a representative one, commencing with a primary meeting and ending in a legislative enactment a year afterwards, but a simple executive government with ample power for emergencies and a somewhat summary method."²³ The unprejudiced historian may, perhaps, wisely sum up the matter in the words of one, who, while naturally favoring Governor Douglas, yet presents reasonable considerations: "The necessity of a representative government has been urged upon arguments which, however legitimate in themselves, become fallacious under certain circumstances. Indeed, it is difficult to perceive how, with hastily accumulated population, chiefly consisting of foreigners of many nationalities, it would have been possible to organize a system of representation adequate to the end in view. It may further be questioned whether any purely representative government, hastily convened, could have accomplished so speedily, and it has proved judiciously, that which has been effected under a system, which, if less accordant with our constitutional ideas, has certainly in the present case, answered the desired end."²⁴

One fact, at any rate, stands out prominently in any comparison between the executive government of British Columbia and those formed on the representative principle in the American territories: namely, that in British Columbia, crime was promptly and justly dealt with, and that there never was a lynching nor a vigilante committee, nor occasion for either; while in the American Territories there was scarcely one important camp which did not have some "statistics of blood" and where there

²³ Correspondent of *San Francisco Daily Bulletin*, June 30, 1863.

²⁴ Anderson, Alexander Caulfield, *History of the Northwest Coast*, MS.

was not some sort of lynching or some form of a vigilante committee.²⁵ Not that there were no murders in British Columbia, for there were such occasionally, and criminals sometimes escaped across the border; but generally on the committing of a crime a magistrate was soon on the spot, and instant measures were taken for bringing culprits to justice without delay and without interference of the people. It is safe to say, I think, that order was as well kept and law as well administered in British Columbia during the mining rushes, as in any older community having good law and order. It is fair, on the other hand, to remember that the United States was in the midst of a trying war, and that the best administrators of the northwest had been withdrawn for service in the war, but still the difference is so pronounced as to suggest that it arose mainly from the differences between the systems of government in the two regions. There was no essential difference in the characteristics of the mining populations; Cariboo in the United States would have been an ideal field for road-agents and vigilante committees, and Kootenay was near the border. But in British Columbia there was Law, and an Executive, and a Chief Justice, and a Magistracy that expected obedience, and the mining population rendered obedience willingly.

Of all the forces that in the mining camps of British Columbia made for law and order none was more potent than the work of His Honor, Matthew Baillie Begbie, Judge of the Supreme Court. Something of the character of the man we catch in a letter to Judge Begbie from Governor Douglas,—written near the close of the latter's term of office,—which does honor to both men: "I may truly say that my official intercourse with you has been profitable and of the most agreeable character, and when differences of opinion have arisen, they never gave rise to asperity of feeling or language, being I am persuaded in every case the result of honest conviction and of a sincere desire to promote the public good."²⁶ Active, indefatigable, decisive, yet rea-

²⁵ One instance of a lynching in British Columbia is narrated by Johnson, *Very Far West Indeed*; but this author, as before mentioned (p. 52, note), needs corroboration, and in this instance the story is without any corroboration whatever.

²⁶ *Correspondence Book*, Oct. 28, 1863, MS.

sonable, quick to seize on the most telling mode of punishment, the judge traversed the great highways and the rough trails, holding his assizes in every important town, now sentencing a Chinaman to imprisonment for assaulting another, now cautioning an Indian "very seriously" and sentencing another to have his hair cut off, again fining heavily a white man for selling liquor to Indians or giving judgment in some mining dispute. Untrammelled by those niceties of legal verbiage which, in the United States, so often become the mumbo-jumbos of the lawyers, he dispensed a robust and honest justice which made him a terror to evildoers and, in the eyes of the law-abiding, a worthy representative of a great governing race.²⁷

In respect to fostering development of the country, on the other hand, the American territorial system contrasted favorably with the English colonial system as applied in British Columbia. The Imperial Government was willing to furnish protection from outside powers, but insisted that the colony from the start should be self-supporting with respect to internal affairs. Lytton repeatedly wrote to Douglas that the colony must not look to the mother-country for financial help; such help would "interfere with the healthy action by which a new community provides, step by step, for its own requirements. It is on the character of the inhabitants that we must rest our hopes for the land we redeem from the wilderness."²⁸ An English author of the time commented on this policy as follows: "The contrast between the United States and England in caring for the growth of new territories is decidedly unfavorable to the latter. England in defining land to be erected into a colony and passing an act of parliament to that effect, leaves to the settlers, however few and impotent they may be, the task of establishing leading communications, executing surveys, and completing postal arrangements. If the population be unequal to these undertakings, they must be postponed till colonial finances become capable of sustaining them. The Federal Government, on

²⁷ Some of the items of this characterization are drawn from the old Police Record Book from Hope, which His Honour, Judge Frederick W. Howay, of New Westminster, permitted me to use.

²⁸ Quoted by Macfie, *Van. Id. and Br. Col.*, p. 509.

the other hand, assumes the responsibility of giving effect to all works of magnitude necessary to bring an infant settlement to maturity, and indemnifies itself for the outlay incurred, by mortgaging the lands and the revenues derivable from the customs and other territorial sources." "It invariably turns out that works urgent and useful, thus undertaken, are speedily made to defray the cost of construction. The Americans have learned that whatever contributes to augment national wealth by developing the resources of new territory is not inconsistent with public economy."²⁹ "The English," wrote General Harney on a visit to Victoria in 1859, "cannot colonize successfully so near our people; they are too exacting."³⁰ The sentiment in favor of annexation to the United States, which was at times quite apparent in British Columbia during the colonial period, was in part due, probably, to the conviction that the colony would be more prosperous as a territory. Such a colony as British Columbia, as a matter of fact, had very different relations with the mother country, as compared with those existing between an American territory and the Federal Government: the territory was directly dependent upon the central government, and differentiation between the activities and functions of that government and those local to the territory is difficult to trace clearly; but the government of the British Colony had powers and, correspondingly, responsibilities in internal affairs nearly those of a nation (as, for example, the collection of customs and the establishment of a postal system) and the operations of the central power and those of the colonial administration are easily distinguishable.

The instrument which the Imperial Government had ever at hand for the protection of the infant colony was the fleet, but the fleet, in reality, afforded something more than protection against outside powers. One of Her Majesty's vessels, as we have before mentioned, was stationed at the mouth of the Fraser to enforce the collection of licenses from the miners. The marines were available for the prompt aid in case of any serious outbreak,—how effective that aid might be was apparent in

²⁹ Macfie, *Van. Id. and Br. Col.*, pp. 511-12.

³⁰ Thirty-sixth Cong., 2 sess., Sen. Doc., 2 No. 2, p. 109.

the case of the so-called McGowan riot at Hill's Bar. Moreover, besides support to the civil authority, other advantages were derived from the presence of vessels of the fleet, though these applied most directly to Victoria. In the first place, there was the expenditure of money in the colony. Again, "the security given by the presence or proximity of a strong naval force inspires confidence in legislation, in Government, in all the varied interests of life, in short; while to the success of commerce this security is peculiarly essential." Then, too, "the good effects on social life of friendly intercourse with so many educated men, possessing the manners and habits of gentlemen, as compose the body of officers in a squadron, need only to be mentioned to be understood."³¹

In the process of shaping forms of government both north and south of the Line there was, in one respect, an interesting and important similarity. Just as Iowa copied her forms of law and administration in part from New York, and Idaho and Montana imitated California and Nevada, so British Columbia derived perhaps the most important portion of her law and administrative system—that having to do with mines—from Australia and New Zealand. Both the colony and the territories, moreover, showed some preference for the latest models; in the case of the territories, for that of Nevada, in that of British Columbia for New Zealand. The derivation of the British Columbia code is clearly revealed in a letter of Governor Douglas, August sixth, 1860, to Sir Henry Barkly, K. C., Governor of the Colony of Victoria, which reads as follows: "I have the honor to acknowledge the receipt of your Excellency's Despatch of the 4th of May, 1859, date Melbourne, Victoria, No. 9, together with ample stores of information which you have been kind enough to enclose.

"It was found imperatively necessary to proceed to legislation here, with as little delay as possible. Accordingly, therefore, before the arrival of the full and minute particulars which your Excellency has so kindly procured and arranged, a code of Laws was published on the 31st of August last, and

³¹ The London *Times*, Aug. 14, 1863.

the 7th of September last. a few further rules and regulations being added on the 6th of January last. I have the honor to enclose copies.

"It will be apparent to your Excellency that these have been framed on the experience of the Australian Colonies, and principally on that of Victoria. *The precedent chiefly followed was the New Zealand Code, which in fact had, equally with this Colony, the benefit of the previous legislation in Victoria and New South Wales.*³² And in addition to the New Zealand Code, of which a copy had been procured, portions of the Codes in Victoria and New South Wales were also consulted, although only portions and those not of the latest dates were procurable."³³

Another portion of this illuminating letter reveals a pride in law and order on the part of the English administrators scarcely characteristic of American territorial governors. It is as follows: "I most sincerely congratulate your Excellency upon the condition of the Criminal Calendars in Victoria to which you refer. It is with heart-felt satisfaction that I can for my part refer to those in British Columbia, where the only two serious offences committed by white men since the proclamation of the Colony (19th Nov., 1858) have been one burglary in which the criminals were seized and delivered up to the regular authorities by the inhabitants; and one murder committed at Lytton about a month ago, in which there is reason to believe that the criminal immediately escaped beyond the frontier. The only other cases have been a few petty thefts.

"There are seven Justices of the Peace and about fifteen constables in the entire Colony, scattered over a difficult country, about five hundred miles in length.

"I venture to think that such a state of circumstances speaks volumes for the readiness with which a politically disaffected population acknowledges the general good tendency of the English Law; and I submit that the very heterogeneous and roving population of British Columbia may claim to be at least on a par with that of the Victoria Gold Fields."³⁴

³² Italics not in MS.

³³ *Correspondence Book*, MS., pp. 44-47.

³⁴ *Id.*

The most important administrative feature of the system derived as above was the constitution of gold commissioners for the mining regions. There were no officials such as these in the United States, although the need for them was recognized, particularly for the purpose of gathering reliable data.³⁵ The general outline of the system, as at first conceived, included the appointment of a gold commissioner who was to have entire supervision over all the gold fields, including the direction of assistant gold commissioners in the various districts; but this central office seems early to have lapsed.³⁶ The subordinates in the field reported directly to the governor or to the colonial secretary, and they were styled gold commissioners. These commissioners were appointed to office and assigned to their districts by the governor. The system, as finally worked out, included the division of the mining regions into a few large districts and the assignment to each district of a gold commissioner, who was closely dependent upon and responsible to the central authority.

The powers of a gold commissioner within his district were great. Save for right of appeal to the supreme court in certain cases, subordination to the governor, and in districts where mining boards were constituted some limitation of activities, his authority was absolute.³⁷ In cases and suits "the gold commissioner alone, without a jury, shall be the sole judge of law and fact;" and he had power to compel attendance of witnesses and production of documents.³⁸ In contrast to legal procedure in the American territories, "it shall not be necessary for the

³⁵ It was felt in the United States, however, that the system was not exactly "adapted to our mineral regions, or to the habits and customs of our people". Still, "A permanent system like this, established upon a somewhat different basis, is greatly needed in our country."—J. Ross Brown, *Mineral Resources of the United States*, 1867, p. 8. But no such system was put into operation in the United States.

³⁶ Mr. Chartres Brew was appointed first general Gold Commissioner of British Columbia. His powers were defined in a communication which is found in *Misc. Letters*, 1, 72-74, MS. Mr. Brew was consulted in working out the beginnings of this mining law of British Columbia. *Letters of Douglas to Brew, Id.* 1, pp. 102-105, and 123.

³⁷ The fame of the absolute powers and summary methods of the Gold Commissioners of British Columbia was well spread in the mining camps south of the Line, and "hard cases" avoided going there. In the eyes of American miners the Gold Commissioners had the powers of a Czar. Remarks of Judge W. Y. Pemberton of Helena.

³⁸ *The Gold Fields Act of 1859*, clause 22 and 23.

gold commissioner in any proceedings before him to follow any set forms, provided that the substance of the things done and to be done be therein expressed; nor shall any proceedings before any gold commissioner be liable to be set aside for any want of form, so long as matters of substance have not been omitted.”³⁹ On appeal to the supreme court, “no objection shall be allowed to the conviction on any matter of form or insufficiency of statement, provided it shall appear to the said supreme court that the defendant has been sufficiently informed of the charge to be made against him, and that the conviction was proper on the merits of the case.”⁴⁰ On complaint of wrongful encroachment (“jumping a claim”) the gold commissioner was to “proceed forthwith” to the place of alleged encroachment, “and thereafter, on view of the premises and on such evidence as to such gold commissioner shall seem sufficient,” shall “hear and determine the dispute in a summary way,” * * * and whether all parties in difference shall appear or not, and in a summary way cause such encroachment to be abated, and to restore to the person who shall be entitled thereto full possession of the claim, ditch or other matter encroached upon.”⁴¹ In the gold commissioner of British Columbia, in fact, were centered the powers of the American mining camp and of a British magistrate. He recorded all claims, assessed all damages, and marked out plots for gardening purposes; he constituted mining boards and might fill vacancies; he had jurisdiction over all disputes as to titles, boundaries and contracts, whether relating to mines, bed rock flumes, or mining drains; he had power to try persons for breach of the rules and regulations of the Governor’s Proclamation; and he had all the authority and jurisdiction of a justice of the peace.⁴²

The duties and responsibilities of the gold commissioner were even more multifarious than his powers would indicate. The “pressing calls of the public service,” in the “early condition

³⁹ *Id.*, 24.

⁴⁰ *Id.*, 29.

⁴¹ *Id.*, XXVI.

⁴² A summary of the powers of the Gold Commissioner in British Columbia may be found in Park, Joseph, *A Practical View of the Mining Laws of British Columbia*, pp. 46-50.

of the colony, before institutions are formed and Departments fully organized," "necessitated that each officer be a "General Government Agent" ready to "afford his assistance in every way possible."⁴³ The gold commissioner might be required to see to the mail, try a man for allowing a pig to trespass, take charge of a dead man's effects, see that a sick man was taken care of, recover a stolen horse, fine a drunken Chinaman, and contract for large expenditures on the roads. Very careful and detailed reports were to be made monthly. His Excellency wanted to know of Mr. O'Reilly when the latter was stationed at Ft. Hope the number of miners at work on each bar, their average earnings, the discovery of any new mining ground, the state of trade, the price of provisions, the arrival or exodus of miners, and general information.⁴⁴ All items of expenditure were reported down to the smallest details and, also, all receipts. Elaborate printed forms for reports were furnished to the gold commissioners, and they were expected to use official stationery even when stationed in remote Cariboo. The communications of the officials, other than tabulations, were expressed in clear, good English, with a noteworthy lack of slang, but with some lapses in punctuation. As before remarked, these reports of the gold commissioners constitute one of the most valuable sources for the mining history of British Columbia.

While the gold commissioners were central factors in the government of the mining communities of British Columbia, yet there were the beginnings of local popular government in the constitution of mining boards. Upon the petition of one hundred and one registered free miners in any district, and due authentication by the gold commissioner of the district, the governor might direct the commissioner to constitute a local board. The board consisted of six to twelve members (according to population), and the members were elected by the votes of the registered free miners of three months' standing. It is interesting

⁴³ Letters of Douglas to Hicks, Sanders, and O'Reilly, *Misc. Letters*, MS. I, pp. 7, 160, 185. The concentration of offices in one person was carried much farther than in the States. Thus Mr. O'Reilly besides being Gold Commissioner was High Sheriff of British Columbia. Mr. Chartres Brew was Chief Inspector of Police.

⁴⁴ Letter to P. O'Reilly, Apr. 7, 1860, MS.

to notice that voting was not limited to nationals. The mining board had power to make by-laws and to alter and repeal existing by-laws "regulating size of claims and sluices, mode in which claims may be registered, worked, held and forfeited, and all other matters in the district. *Provided that none shall have force unless and until approved by the Governor.*"⁴⁵ Acts of the mining boards were to be valid, "notwithstanding any informality or irregularity in the mode of election, or of the meeting of such mining board, or in the passing of any such acts." It was a characteristic principle of the administrative system of British Columbia, that regulations were so shaped as to incite miners to obey the statutes and the laws. This attitude of expectancy, if I may so phrase it—an attitude lacking in the States—is illustrated in the requirement that, if any member of a mining board should cease to be a free registered miner in the district, "or shall be convicted of any misdemeanor or felony, or of any assault, being armed with a lethal weapon or of any willful and malicious contravention of this act, or of any bylaw in force in his district, he shall *ipso facto* vacate his seat in each case."⁴⁶

Another feature of the administrative machinery of British Columbia, unknown in the American territories, was the gold escort. The escort was designed to facilitate the carriage of gold from the mining regions, and to secure safety, while at the same time it was thought the display of a disciplined and uninformed force would have a salutary effect. The escort was given a semi-military organization, and consisted of a superintendent, first and second officers, and a dozen or more men.⁴⁷ Its establishment seems to have been urged more by merchants of Victoria and of Hope and Yale than by the miners. It was or-

⁴⁵ Italics are mine. Moreover, the Gold Commissioner had a veto power upon the resolutions of a Mining Board, but this might be overcome by a vote of two thirds of the members.

⁴⁶ *Gold Fields Act of 1859*, clauses XXIX to XXXVIII. I have treated of the Mining Boards as outlined in this act, though there were some slight modifications by Governor Douglas in the *Gold Fields Act of 1864*. I have not sought to trace their later development.

⁴⁷ *General Rules and Regulations for the Guidance of the Officer in Command of the Gold Escort*, June 4, 1863, MS; also *Journal of Daily Proceedings of the Gold Escort* first trip, 1863.

ganized several summers, but it was not very successful because the government did not guarantee safe delivery, merchants and packers had their own facilities, and claim owners could hire guards.⁴⁸ The escort appears to have been inferior in efficiency to the private express companies which operated everywhere through the mining regions south of the Line.⁴⁹

Passing, now, from the mechanism of administration as revealed in gold commissioners, mining boards and the gold escort to the content of mining law, we find one class of persons, and only one, which was legally recognized as having the right to mine under the British Columbia code. These were the free miners. A free miner was a "person named in and lawfully possessed of an existing valid free miners' certificate." A free miner's certificate was in the following form:

BRITISH COLUMBIA.

Free Miner's Certificate.

Date

No.

Not transferable.

Valid for one year.

This is to certify that A. B. of has paid me this day the sum of one pound sterling, and is entitled to all the rights and privileges of a free miner for one year from the date hereof.

(Countersigned A. B.)

(Signed) G. B.

Signature of free miner.

Chief Gold Commissioner, or
assistant Gold Commissioner
or Justice of the Peace, as
the case may be.

Every free miner during the term of his certificate had the right to "enter on and mine the waste lands of the Crown, not lawfully occupied by any other person." He might then become a

⁴⁸ Report of P. O'Reilly, July 1863, MS.

⁴⁹ To a less degree, also, in British Columbia.

registered free miner, "entitled in his own right to any claim, lease of auriferous earth, ditch or water privilege."⁵⁰ He now, moreover, acquired other rights; he might vote for members of the mining board or become a member of that board; and, in case of his death, his claim could not be occupied by another for non-representation, but it might be kept afoot by the gold commissioner or sold for the benefit of the heirs. But miners not possessing valid certificates had no rights, as miners, whatever. If the claim of such an one were "jumped" by one possessing a certificate, the gold commissioner would recognize the title of the intruder; in case of dispute the uncertificated miner had no standing in court; he could hope for no lease of mining ground, nor could he become a member of a mining co-partnership or of a bed-rock flume company; and he was not entitled to receive water from a ditch (and water was indispensable for mining operations). Lists of all free miners in a district were kept by the gold commissioners, and revised quarterly; also, the names of those legally entitled to work claims were to be conspicuously posted by the gold commissioner on each claim.⁵¹ By this system of licenses very effective control over the miners was secured by the Government.

We shall not attempt a study in detail of the ordinances in accordance with which the free miners of British Columbia worked, but certain of these laws are of special interest in illustrating the regulated relations of the individual miner to the society of which he was a part.

It was lawful for any gold commissioner to mark out for the use of any free registered miner in his district land not exceeding five acres, for a garden plot or residence. Such plots (but not for more than one acre) might also be marked out for any

⁵⁰ "The amount of interest which a free miner has in a claim, save as against Her Majesty, shall be deemed a chattel interest equivalent to a lease for a year, renewable at the end of the first and every subsequent year, subject to the conditions as to forfeiture, working, representation, registration and otherwise for the time being in force with respect to such claim or interest under any law or rule regulating the same. Provided: that every forfeiture under any such law or rule shall be absolute, any rule of law or equity to the contrary notwithstanding." *Gold Fields' Act, 1864*, clause 45.

⁵¹ The above paragraph is based on the *Gold Field's Acts* of 1859 and of 1864, and on the *Rules and Regulations for the Working of Gold Mines, Issued in Conformity with the Gold Fields' Act, 1859*.

one intending to carry on temporary trade. But rights to such plots were valid only for so long as the miner was a "registered free miner of the district", and for so long as the trader had all license dues paid up. The British Columbia government gave no countenance to "squatting"; land occupation of all sorts was to be under some legal sanction. Moreover, the interests of the community were to be guarded: in staking out plots of land for gardening and residential purposes the gold commissioner "is to keep in view the general interests of all the miners in that locality, the general principle being that every garden benefits indirectly that whole locality, and also that the earlier application is to be preferred; but where the eligible plots of land are few, or of scanty dimensions, and especially where they are themselves auriferous, it may be injudicious that the whole or the greater part should fall into the hands of one or two persons."⁵²

The very important matter of ditch or water privileges was carefully regulated. Any person desiring exclusive privileges of this nature was required to make application to the gold commissioner, and to state full details, including the amount of water to be used and, if the water was to be sold, the price proposed. Rent was to be paid at the rate of one day's receipts per month. Effort was made to guard against waste and monopoly; "If any person shall refuse or neglect," said the statute, "to take within the time mentioned in the application, or within an extension of time at the discretion of the Gold Commissioner the whole of the water applied for, he shall be entitled only to the quantity actually taken by him." Moreover, "every owner of a ditch or water privilege shall be bound to take all reasonable means for utilizing the water granted to and taken by him, and if any owner shall wilfully take and waste any unreasonable quantity of water, he shall be charged with the full rent, as if he had sold the same at a full price. And it shall be lawful for the Gold Commissioner, if such offense be persisted in, to declare all rights to the water forfeited." Finally, "the owner of any ditch or water privilege shall be bound to supply

⁵² *Gold Fields' Act*, 1859, clauses XXVII and XXVIII; *Rules and Regulations in Conformity with Gold Fields' Act 1859*, clause XVII.

water to all applicants, being free miners, in a fair proportion, and shall not demand more from one person than from another.”⁵³

There were provisions, likewise, against obstructions and dangerous works. In no case were “deads or leavings, forkings from sluices, waste dirt, large stones or tailings to be allowed to accumulate so as to obstruct the natural course” of a stream, and free miners were not to obstruct a bed-rock flume by rocks or boulders “or otherwise unnecessarily.” Danger to the public was to be guarded against; upon complaint, gold commissioners were empowered “to order all mining works to be carried out in such manner as he shall think necessary for the safety of the public, or the protection of their rights, or of the interest of adjoining or affected claims, and to cause abandoned works to be filled or guarded.” Any one who has traversed some of the gulches south of the Line which were worked by old-time miners, and has seen unguarded shafts yawning twenty or thirty feet deep within a few yards of a public highway, will realize the advisability of the latter requirement.

Public interests were guarded, also, in the granting of leases. Leases were to be granted for a term of not more than ten years and they were applicable to not more than ten acres of alluvial soil, one-half mile of unworked quartz, or one and one-half miles of unworked quartz, “that shall have been attempted and abandoned by individual claim owners.” Individual free miners were to have the first chance; leases, in general were not to be granted of “any land, alluvium or quartz, which shall be considered to be immediately available for being worked by free miners or holders of individual claims,” and in no case were individual free miners in actual occupation to be disturbed. Every such lease was to contain “all reasonable provisions for securing to the public rights of way and water, save insofar as shall be necessary for the miner-like working of the premises thereby devised, and also for preventing damage to persons or property of others than lessee.” Conservation of the mineral resources was to be a principle of leases, and, “every such lease shall contain a covenant by the lessee to mine the said premises

⁵³ *Gold Fields' Act, 1859*, clauses XXVII and XXVIII; *Rules and Regulations in Conformity with Gold Fields' Act, 1859*, clause XVII.

in a miner-like way." In case of refusal or neglect to perform any and all covenants, the lease was to be voided.

In summing up the tendency of the above-stated provisions of the British Columbia code, it may be seen that, while the priority of the rights of the individual miners was recognized and guarded, yet there was a plain tendency to restrain individualism in the interests of the public good.

There remains one further inquiry in regard to this, on the whole, admirably conceived system of government in British Columbia—that is, as to its cost.

To American observers of the time, who had in mind salaries paid officials in the United States, the cost seemed excessive. The correspondent of the New York Tribune, Mr. Richardson, noted that while populous New York paid her governor \$4,000, scantily populated British Columbia paid hers \$15,000.⁵⁴ Another American wrote that notwithstanding the comparative scantiness and poverty of the population, "both at Victoria and New Westminster there was set up the cumbersome and expensive system of English colonial governments. The governors were almost more numerous than the governed, and the latter made bitter complaint of the severe taxes that were levied upon them for the benefit of the former. The year we were there (1869) nearly half a million dollars had been squeezed out of the people of little Victoria alone by a system of taxation much more burdensome than our civil war had thrown upon the American people and including a tax on all sales, special licenses for every kind of business, and an income tax at the end. The taxation in one province averaged \$100 a year to each inhabitant, and in the other \$70. Since 1865, the two provinces have been consolidated, and one set of Government machinery saved; but the governor of these ten or twelve thousand people still has a salary equal to that of the President of the United States, and his subordinates are paid in proportion."⁵⁵ These observations, however, were made in the years of decadence following the most prosperous era, and besides, in any comparisons between the British Colonies and American states or territories some discrim-

⁵⁴ Richardson, *Beyond the Mississippi*, p. 417.

⁵⁵ Bowles, *Our New West*, pp. 466-68.

inations need to be made. In order to arrive at somewhat more precise ideas, let us make some comparison between the revenues and expenditures of British Columbia in the period prior to Union and some of the adjoining territorial divisions of the United States.

First, as to revenue. In 1859 the total revenue of British Columbia was £47,600 (\$230,860), of which sum £17,000 (\$82,450) was derived from the customs, £18,841 (\$91,378.85) from land sales, and £11,759 (\$57,151.15) from licenses and miscellaneous sources.⁵⁶ In 1863 the revenue exclusive of that derived from bonds and loans, amounted to £110,000 (\$533,500) and in 1864 to £104,000 (\$504,400).⁵⁷ That of the latter year was derived from customs £73,000 (\$354,050), land sales £3,973 (\$19,269.05), free miners certificates £3,540 (\$17,169) general mining receipts £6,000 (\$29,100), and the rest from miscellaneous sources.⁵⁸ The various sources of revenue in the mining districts themselves included miners' certificates, fees for recording mining claims, bills of sale, water rights and land claims, liquor and trading licenses, sale of lands, duty on wood, and Crown rents.⁵⁹ In comparison with the amount of revenue raised in British Columbia, that received in nearby American states and territories was small. The revenues of the State of Oregon in two years Sept. 1862 to Sept. 1864, produced \$164,999.⁶⁰ In Washington Territory the total receipts in 1860 were \$1,715, in 1861 \$2,226, in 1862, \$2,500. and in 1863, \$4,777, and the total actual cash received into treasury from the organization of the Territory in 1853 to 1863 was \$16,459.⁶¹ The Territory of Idaho makes a somewhat better

⁵⁶ McDonald, *Br. Col. and Van. Id.*, p. 37-S.

⁵⁷ *Government Gazette*, Jan. 23, 1864 and Aug. 26, 1865. For 1860 the revenue was £53,286 (\$258,427.10)—Hazlitt, *Cariboo*, p. 110. I have not been able to secure statements for 1861 and 1862, but those cited seem sufficient for purposes of comparison with American conditions.

⁵⁸ The item of £3,540 for free miners' certificates would indicate that either there were no more than 708 miners in British Columbia in 1864, or that the law in regard to licenses was not fully enforced.

⁵⁹ *Abstract of the Hope Collectorate for 1860*, MS; *Report of John C. Hayne from Kootenay for the month of November, 1864*, MS.

⁶⁰ *Proceedings of the House of the Legislative Assembly, Report of the Treasurer*, Ap. p. 85.

⁶¹ *House Journal, Treasurer's Reports, 1860, 1861, 1862, and 1863; Statement of Joint Committee on Ways and Means, 1863*, p. 260.

showing: the total receipts from the organization of the Territory in 1863 to Dec. 4, 1865 amounted to \$20,999, and for 1866 (including delinquencies) to \$33,511.⁶² Delinquencies gave constant trouble and amounted at times to large proportions of the whole revenue; in Idaho there was backstanding in 1866 \$10,145, and in Washington in 1863 \$11,063. The chief cause of delinquency seems to have been in the fitfulness and, sometimes, the reluctance of the county treasurers in remitting. In fact, government in the territories as revealed in financial affairs appears to have been illjointed, in comparison with the well-knit system put into operation in British Columbia.⁶³ Certainly the amounts of revenue collected in the territories seem insignificant compared to the sums realized in British Columbia. But some large allowances must be made. "The main sources of income in the territories were the property tax, poll tax, tax on "foreign" miners, percentages on franchises, and licenses for many sorts of business; and it will be observed that the most important items of revenue in British Columbia were lacking in the American territories—namely, the revenues from customs and from land sales."⁶⁴ Deducting these two items from the revenues of 1859 and 1864, respectively, we have left £11,761 (\$57,040) and £28,027 (\$135,930). On the other hand, large sums in the territories were contributed to the Federal government. To segregate the amounts paid for customs, indeed, by any single territory would be difficult, if not impossible; but as example of direct taxation by the Federal government (outside of excise on liquors) we find that Montana paid for the fiscal year ending June 30, 1866, \$113,134, and for the next year the assessment was about the same. The territorial government for the same years, respectively, received \$23,316 and \$56,326. That a careful system brought satisfactory returns is shown both by the increasing effectiveness of territorial taxation as government became better ordered, and by the fact that 99¾ per cent. of the Fed-

⁶² Halley, *History of Idaho*, pp. 118 and 133.

⁶³ In British Columbia there were no counties at this period.

⁶⁴ The difficulty of effective taxation was increased in the American territories by the fact that comparatively little land was patented or deeded.

eral tax leviable was collected.⁶⁵ Moreover, it should be remembered that in British Columbia most of the local taxation was included in the colonial revenues. while in the territories county and, more, town taxation was very considerable; and, finally, that taxation in the forms of tolls levied by owners of franchises for ferries, bridges, and roads seems to have been decidedly less in the former. On the other hand, the Federal taxation in the territories was on a war basis. The only way in which we could arrive at exact comparisons would be to figure all items to a per capita conclusion, but this, because of the involved relations of the Federal and territorial governments, is impossible. On the whole, however, one gets the impression that, while taxation in British Columbia was proportionately in excess of that in the United States, the difference was by no means so pronounced as it seems at first glance.⁶⁶

Comparison of expenditures in the two regions yields no more conclusive results than in the case of revenues. In British Columbia the colonial government, indeed, spent sums in comparison to which the expenditures of the territorial governments were insignificant; but here, again, there is no common plane for comparison. For the colonial government spent large sums on roads and means of transportation, provided mail facilities (though inadequate compared to those furnished by the Federal government), met the expenses of the land officials, paid most of the cost of military expeditions, and bore many expenditures provided for by local authorities in the United States. On the other hand, the Federal government in the territories spent a large amount for military protection, and on Indians, provided postal facilities and land surveys, built roads, paid the salaries (in large part) of the more important officials, built government buildings, and, in fact, furnished far the larger proportion of governmental expenditure

⁶⁵ Items in regard to receipts from taxation in Montana are derived from the message of Governor Green Clay Smith for 1866 and from the Treasurer's Report for 1867, *Con. His. Soc. Mon.*, Vol. V, pp. 130-131 and 156-7.

⁶⁶ It was urged in British Columbia, in defense of rigid taxation of miners, that, while the miners received the good of such improvements as roads, etc., for which heavy indebtedness was incurred, many of them were likely to go away, leaving to the more stable inhabitants the payment of the debts.

within the territories.⁶⁷ In the matter of salaries, however, interesting comparisons are possible. The Governor of British Columbia in 1863 received £3,000 (\$14,550), the Judge of the Supreme Court £1,200 (\$5,820), and the Colonial Secretary £811 (\$3,880).⁶⁸ Governor Seymour, however, the successor of Governor Douglas received a total sum of £5,450 (\$26,432.50), the items of which were for transport £1,000, furnishing of residence £1,000, and salary £3,450.⁶⁹ Such a salary for a colony having less than fifteen thousand population certainly did not accord with American ideals. The Governor of Idaho received from the Federal government a salary of \$2,500, the Chief Justice and two associate justices each \$2,500 and the Secretary \$2,000. But these salaries represented much less in reality, because of being paid in depreciated greenbacks, while those of British Columbia were paid at par.⁷⁰ Extra compensation, however, was voted by the territorial legislature, the governor receiving \$2,111, the supreme judges \$9,229 and the secretary \$2,754.⁷¹ Except for the great discrepancy in the governor's salaries the salaries of the other officials, with the extra compensation, were not greatly different: and the Governor of British Columbia was expected to meet expenses such as did not ordinarily fall to the governors of territories.⁷² Moreover, the expenses of the territorial legislatures were not inconsiderable; in addition to \$4 per day and transportation at the rate of \$4 for every twenty miles travelled for each member, the first two sessions of the Idaho legislature cost in extra compensations more than eighteen thousand dollars.⁷³

⁶⁷ There was some mention in 1861 of making Washington Territory a state, but the *Overland Press* argued that the territorial condition was to be preferred, because the United States government bore nineteen-twentieths of the expense. *Overland Press*, Nov. 21, 1861.

⁶⁸ *Schedule of Salaries*, 1863, MS.

⁶⁹ Ordinance to grant to Her Majesty £135,639 for 1864. *Government Gazette*, Feb. 20, 1864.

⁷⁰ *Organic Act of Idaho*.

⁷¹ Hailey, *Hist. of Idaho*, p. 119.

⁷² Of course the extra compensation could not always be depended upon, and it was ordered discontinued by Congress in 1870.

⁷³ Hailey, *Hist. of Idaho*, p. 119. No blame attaches to members of the Legislature, for expenses of all sorts were very high. In fact salary schedules applicable to agricultural territories were very inadequate for mining regions.

CHAPTER XII.

THE EVOLUTION OF ORDER AND LAW IN THE AMERICAN TERRITORIES

In the establishment of forms of order for the society which the mining advance deposited among the mountains south of the Line, two forces worked. The one was extraneous and of national origin, the other indigenous to the mountain regions and derived from California; the one was the United States territorial form of government, the other the forms of organization characteristic of mining camps. Let us consider first the former.

1. The territorial form of Government.

The mining advance brought about the organization of two new territories. The rush to the Nez Percés mines in 1861 and to Salmon River in 1862 resulted in the passage by Congress, March 3, 1863, of the act creating the Territory of Idaho, and the rush to Grasshopper Creek and to Alder Gulch in 1862, and 1863, brought about, May 26, 1864, the creation of the territory of Montana.

Prior to the formation of Idaho Territory, the mining regions later embraced in it (and also that part of Montana lying west of the Rocky Mountains) were in the Territory of Washington; and the first steps toward governmental control of these regions, therefore, fell to that Territory. The Washington Legislature, previous to the division of the Territory, created the counties of Shoshone, Nez Perce, Idaho, Boise, and Missoula, all of which were more or less effectively organized, and from most of these members were sent to the legislature. In the governor's message for 1861 attention was called to the necessity for a code of mining laws for "the great, the controlling interest of our Territory," and it was suggested

that the laws should be liberal and just, "such as have been found to work well in California and other mining districts." Many franchises for roads, ferries, and bridges were granted at different sessions. One important deficiency in the working of territorial government was indicated in the message of Governor Pickering, in 1862, in which he mentioned the lack of sets of the territorial laws, particularly in the new counties. The Federal government was urged by the territorial legislature to secure to miners the right to work in the Nez Percé's country which, it was asserted, was covered by "improvident and unjust treaties," and to extinguish the Indian title to the Boise country. But while the legislature was thus zealous on behalf of the mining regions, political control by the Puget Sound country was endangered by the rapid growth of population in the eastern section of the territory, and division of the territory was agitated. In the interior the project was favored by Lewiston which hoped to be the capital of the new territory, but opposed by Walla Walla which hoped to become the capital of the old territory; while on the Sound the people perceived the danger that the capital might be removed, and that they might be included in inconvenient taxation.¹ Division was favored, also, by W. H. Wallace, territorial delegate to Congress (who became the first governor of Idaho Territory), and it met finally with general acquiescence. Thus came into being the new Territory of Idaho.

The creation of the Territory of Montana appears to have been a simple process springing directly from the exigencies of the mining advance. Hon. Sidney Edgerton, who had been appointed the first Chief Justice of Idaho Territory, arrived at East Bannack in the fall of 1863. The great rush to Alder Gulch was at that time in full tide, and thousands of persons were living on a spot that a few months before was but a wilderness. In the stern conflict which took place in the next few months following Judge Egerton's arrival between the elemental forces of order and disorder the authority of the chief justice does not seem to have been asserted. Judge Edgerton was a man

¹ *Overland Press*, Mch. 3, 1862; *San Francisco Daily Bulletin*, Jan. 7, 1863.

not lacking in ability and decision, but the office of territorial justice did not carry with it as much weight and fitness for dealing with crises as did that of judge in British Columbia. The citizens of Bannack and of Virginia, remote from the capital of the territory and involved in a critical struggle between the forces of order and disorder, felt that there was need for a new territory and requested Judge Edgerton to lay their case before the authorities at the national capital. A winter journey back to Washington resulted in the Organic Act for Montana Territory, and in Judge Edgerton being appointed the first Governor.²

In delimiting the new territories little or no attention was given to natural physiographic boundaries. The worst disregard of physiographic considerations occurred in the case of Idaho, where regions decisively separated physiographically and affiliated naturally with adjacent regions in other territories, were joined together. There early began in this territory a movement for the formation of a new territory more conformed to physiography, which has persisted in varying ways to the present day. A proposition was made in 1865 to create such a division by running a line from the southwest corner of Montana along the Salmon River Range, to the line of the Columbia and the Okanogan. "This would embrace," declared *The Lewiston Radiator* which was the champion of redivision, "that section of country which by physical formation and identity of interest among its population, naturally belongs to one political community, to a great degree separated from Boise on the south, Washington on the west, Montana on the east, and barred from political affinity with the people of the north by the British line." The population of the new territory would be 8,000 or 9,000 at the start, and territorial organization would soon be followed by statehood. The region would thus become better known, and immigration would in-

² *Contr. His. Soc. Mont.*, Vol. III, pp. 336-338. Congress was not averse to forming new territories at this period, since the administrative offices could be filled by Union men, and the Republican party organization thereby strengthened.

The origin of the names Montana and Idaho has been a matter of considerable dispute; they seem first to have gained currency in Colorado.

crease. "Nature herself," the article continued, "has marked out the boundaries of the Territory proposed as shown, and it matters not how much man may attempt to improve upon her work, he cannot neglect to follow her and succeed in such manner as obedience to her teachings will warrant."³ Opposing arguments were put forth by *The Idaho World*, which intimated that the project arose from the disappointed ambitions of aspiring gentlemen, because of the removal of the capital from Lewiston to Boise. The territory was large, it was admitted, but the material interests (mainly mining) were more nearly identical than those of any territory or state on the Coast. "Western and eastern Oregon are not homogeneous; California has its mineral districts and its 'Cow Country'; Washington Territory its Sound interests and those of a distant interior. Still, they all manage to exist and prosper—and so has Idaho. If strict identity of interest is to prevail in the location of boundaries, every mining camp and school district would be entitled to a separate Territorial existence."⁴

Perhaps it was the desire to overcome the effects of physiographic separation which induced the Republicans of Idaho to hold their second territorial Convention at a remote spot on the trail from Lewiston to Idaho City, and about one hundred miles from the latter place.⁵ The blare of bands, the gatherings in hotels, and the stir and noise of great crowds were absent at this convention. The only buildings anywhere around was Packer John's cabin, a small log hut roofed with shakes. The delegates ate in this cabin and slept under the trees adjoining, while their horses grazed peacefully around. The great work of the convention was the selection of a nominee for delegate to Congress, this office then being very highly prized.⁶ In the first election in Idaho Territory, when the majority of the people were in the northern part, the Republicans had been

³ Lewiston Radiator, Feb. 4, 1865, in San Francisco Daily Bulletin, Mch. 7, 1865.

⁴ The Idaho World, Feb. 4, 1865.

⁵ A description of this Convention is found in Goulder's *Reminiscences*, pp. 280-287.

⁶ Governor Stevens of Washington Territory and Governor Wallace of Idaho Territory resigned the office of Governor in order to be elected as congressional delegate.

successful; but the discovery of the Boise mines drew thither many people from Missouri, and their arrival, with some contributing causes, made the Territory Democratic for several decades. Montana also was Democratic during the early mining period. In both territories conventions were regularly held almost from the start, and regular party machinery was organized. This party method of arriving at the will of the people and of carrying on government was in decided contrast to the simple and swift procedure that obtained in British Columbia.

In connection with the organization of parties in the new territories the question arises as to the prevalence of secession sentiment in these territories. As was natural, people who came from the border states, or from farther south, were earnestly sympathetic with the Confederacy; and it was natural, also, that this sympathy should find expression, and that there should be more or less friction with ardent Unionists (of whom there were many), and with the Federal administration. Sentiment among the American miners in British Columbia was clearly for the Union, and citizens of Victoria made contributions to the care of Union soldiers and to Lancashire sufferers—to the latter \$12,000.⁷ In northern Idaho sentiment was more divided and passions seemed to deepen, as the war went on, and people came in from the East. "Among the people at the mines and along the line of March," wrote a newspaper correspondent in 1861, "I heard but little of Union or Disunion. Those from the Seceding States had not much to say beyond sad regrets that the country should deliberately go to war with itself."⁸ There were, however, at the mines occasional "rough scenes and personal collisions," sometimes attended by fatal consequences.⁹ Yet the fiercest secessionists and the most uncompromising abolitionists were often the closest of friends. In southern Idaho, however, passion ran much more high. "The left wing of Price's army," as the Union men styled the rougher element from the border states, contained undoubtedly many reckless men accustomed to vio-

⁷ San Francisco *Daily Bulletin*, Mch. 23, 1863.

⁸ *Id.*, July 28, 1861.

⁹ Goulder, *Reminiscences*, p. 207.

lence, who tried to terrorize Union men.¹⁰ Affrays and duels were not uncommon. The most noteworthy of these (and one which brought the community to the verge of deplorable conflict) was that between Pinkham, a Union man originally from Maine, and Ferd Patterson, a secessionist born in Tennessee, which resulted in the death of the former.¹¹ In both Idaho and Montana determined objection was made to the iron-clad oath by some of the members of the legislatures.¹² The attitude of some of the members of the legislature in Idaho may be learned from the majority report of the Committee on Military and Indian Affairs, concerning a bill providing bounties for territorial volunteers who might have been wanted for garrison duty in the territory. Governor Lyon in urging the matter said, in his characteristic fashion, "I feel it will be a rare privilege for the great hearted, whole-souled mountaineers, ranchmen, and miners, to contribute in this way their support to a government beneath whose starry flag their cradles were rocked and that still flings its protecting shadow over their fathers' graves." The report of the committee, however, asserted that from the third of March, 1863, to December seventh, 1863, "more than 30,000 persons, thrown promiscuously together, into a crude and most irregular form of society, were obliged to remain in the same chaotic condition, without judicial tribunals, without officers, without law;" and the first evidence given that the General Government intended to exercise any care over them, was the advent of a class of political hackneys, sent among them by the Administration at Washington, "a set of officials more intent on securing personal advantage than on promoting the welfare of the individual community."

"Has the Mother Government grown so weak and become so impoverished during the 'sixty days' rebellion" the report continued, "that it can exercise no care over the people of the provinces, except to send tax gatherers and officials to rule over them and eat out their substance?" The bill failed to pass. In

¹⁰ Butler, J. S., *Life and Times in Idaho*, MS.

¹¹ An account of this celebrated case may be found in Langford, *Vigilante Days and Ways*, Vol. I, pp. 182-211.

¹² *Journals of the Council and House of Representatives of Idaho Territory*, 4th session, pp. 298-9.

Montana, while there was some friction, on the whole, a happier state of affairs prevailed, particularly in the relations of the citizens to each other. Possibly the acute conflict there waged with the criminal element helped to allay controversy.¹³ A careful characterization of Montana conditions has been left by Col. W. F. Sanders, who described them as follows. "There was considerable bad blood extant concerning the war, about which the communities radically differed. I think upon the whole as much philosophy and good nature was manifested as under the circumstances we had any right to expect. There were, of course, some hot headed men who would have been glad to have created trouble, but the good sense of the more moderate people prevailed and matters did not culminate in any difficulty."¹⁴

In the appointment of territorial officials by the United States government a prime qualification was staunch Unionism. Not that the appointees lacked ability; although part of them were mediocre, others were men of energy and of some distinction, who grasped quickly the conditions surrounding them and strove honestly to fill worthily their offices.¹⁵ But there was constant going and coming, there was not time for eastern men to become familiar with western conditions, and there was no such identification with and devotion to the community, as characterized the work of Governor Douglas and of Judge Begbie in British Columbia.¹⁶ One misses, especially, in officials in the territories, the firm assertion of authority and the insistence upon obedience to law which was characteristic of the government of British Columbia. Leniency to criminals, acquiescence in punishment directly inflicted by the people, lack of decision in treating grave crimes, and over attention to minor obliquities (such as prize-

¹³ *Contr. His. Soc. Mon.*, Vol. 4, p. 127.

¹⁴ *Sketches of Early Settlers in Montana*, Col. W. F. Sanders, MS. The above extract, written by a pronounced Republican, was read by me to Judge W. Y. Pemberton, of opposite political affiliations, who gave it unqualified endorsement.

¹⁵ There was one noteworthy defalcation in the case of Horace C. Gilson, Secretary of Idaho Territory, who absconded with twenty-five thousand dollars. That such crimes were not lacking in British Columbia, also, would appear from a report of the British Columbian that within a few weeks the Post Master General, Harbour Master, and Colonial Treasurer became defaulters. *British Columbian*, Jan. 2, 1862.

¹⁶ For a resumé of the officials of Idaho and a characterization of a number of them consult Hailey, *History of Idaho*, Chap. XXXV.

fighting, gambling, and Sabbath breaking) were apparent in administration, south of the Line. The comparative levity of American officials towards the most grave transgressions of order is illustrated in an incident narrated in the biography of Governor James M. Ashley. It would be a mistake to think of Mr. Ashley as a weakling or a coward; for he was a noted fighter for abolition and the rights of negroes, long a member of Congress, chairman of the Committee on Territories, and always an uncompromising radical. The quotation is as follows: "One of his most interesting experiences was connected with an old fashioned western lynching. A miner near Helena had 'struck it rich', and brought his gold into town to exchange it for greenbacks. This done he went to the nearest saloon and proudly exhibited his roll, with the natural result that he was followed from the saloon to a quiet spot outside of the city and there assaulted and robbed. He lived long enough to give a description of his murderers. These were soon apprehended by a vigilance committee and brought to trial in the most public way—in a large hall in Helena. Governor Ashley knew of this, but recognizing the absolute necessity of protection being afforded the miners, who for the most part lived in lonely cabins, and knowing the lack of a secure jail to hold criminals for a long time which the regular process of courts allow the criminal on trial, and also, aware of his inability to cope with the vigilantes even if he so desired, he did not try to interfere. At this juncture a New England lawyer appeared on the scene, whose name, according to the writer's best recollection, was Judge Gillette. The judge was horror struck at the idea of any man being tried except by the regular course, like most other New Englanders who have gone a long way from the recollection of the Boston Tea Party, and other similar informal events that took place in good old Massachusetts, and it was hard for him to imagine that any state of affairs admitted of any departure from the strict rules of the law. He, therefore, called upon Governor Ashley and made a typical academic law and order speech. The Governor suppressing his strong tendency to laugh, made a rejoinder with all earnestness.

"Now, Judge," said he, "you must see how helpless I am. I

have no force capable of dealing with these vigilantes, and if I should go down to the hall and make any attempt to stop the proceedings, it would simply result in a disgraceful showing of contempt for my authority; but I know these people are liberal, and that they would be willing to hear what anybody has to say on the subject. Now, suppose you go down to the hall and ask to be heard, and make them the same kind of a speech you have made me. I think they will listen to you, and we will see what the result is." Gillette thought the suggestion a good one, obtained a hearing and made a speech. After he concluded his stirring appeal for law and order there was a moment's silence and some man in the rear yelled out: "Judge, that's a damn fine speech. *Go on with the trial!*"

"The next morning the Governor became aware that something exciting was going on across the gulch which lay in the rear of his house, and emerging from the kitchen door and shading his eyes, he looked across and saw hanging from "Hangman's Tree" the bodies of two men, while a large concourse in the vicinity were indulging in foot races and other amusements. After uttering a slight exclamation the Governor turned around, went in the house, and the affair was a closed incident so far as he was concerned."¹⁷ Looking at this occurrence from the point of view usual in the American territories, Governor Ashley's conduct was reasonable and defensible; from the point of view of government in British Columbia it is incomprehensible. Magistrate O'Reilly or Judge Begbie, it may safely be affirmed, would have been instant and strenuous in asserting the dignity and supremacy of the law, and Governor Douglas would have exhausted every resource in supporting these officials. But in truth the American officials lacked authority and prestige.

The most vital and the widest authority south of the Line was that of the Legislature, but this authority was not administrative and was shared, formally, by the Governor. The Organic Act of Idaho declared that the legislative power should extend to "all rightful subjects of legislation consistent with the Con-

¹⁷ *Governor James M. Ashley's Biography and Messages, Contr. His. Soc. Mon.* Vol. VI, p. 192-3. Cf., also, *Charge to the Grand Jury, 1864 and 1866*, by Chief Justice H. L. Hosmer; *Pioneer Reminiscences* by Lyman E. Munson, *Id.* Vol. V, pp. 235-252 and p. 209.

stitution of the United States and the provisions of this Act"; but no law was to be passed "interfering with the primary disposal of the soil", and it was provided further, "That, whereas slavery is prohibited in said territory by the act of Congress of June nineteenth, 1862, nothing herein contained shall be construed to authorize or permit its existence therein."

In exercising their authority, the legislatures both of Idaho and Montana adopted the Common Law of England, "so far as the same is applicable, and of a general nature, and not in conflict with the special enactments of this territory." They also provided practice acts. Some classes of laws passed by these legislatures are of special interest.

One of these groups was with regard to occupation of the public lands. The object was to secure to the occupants peaceable possession and as much of title as could be given prior to patent from the United States; in other words, the object sought was a legalization of squatters' rights. The law of Montana, conceding to the United States paramount right, gave rights to the occupant against all others. It sanctioned a claim of one hundred and sixty acres on declaration and record; such a claim was declared a "chattel real, possessing the character of real estate," could be sold by deed, and was subject to execution. Mining locations were excepted from agricultural occupancy.¹⁸

In Idaho there was an "Act for Maintaining and Defending Possessory Actions on the Public Land in this Territory." Claims were to be of not more than 160 acres, in compact form and clearly bounded; within 90 days after recording, improvements to the value of \$200 were to be made. Any citizen, or one who had declared his intention to become a citizen, might maintain action for interference with or injury to the possession of land. Miners, however, might go upon such lands, if they contained mines of any precious metals, and work such mines "as fully as if no such claim for agriculture or grazing purpose had been made thereon;" provided, however, compensation were made for crops planted prior to location.¹⁹

An Act of the Territory of Montana had reference to an

¹⁸ *The Montana Post*, Jan. 21, 1865.

¹⁹ *Laws of Idaho, Second session*, p. 421-2.

interesting custom, not without significance in the evolution of law. This act forbade ranchmen and stable keepers from using stock left with them, without the consent of the owner. Since the prices of feed in the mining camps prohibited keeping animals in towns for any length of time, persons found it profitable to establish ranches a few miles from the towns, where horses and pack animals might be corraled and herded. A ranch generally had an agent in the town to whom the stock was intrusted, and who was notified when the owner was in need of it. Not infrequently both ranch keeper and agent were in league with road agents, and in consequence, it was often a matter of great difficulty for a man who desired to carry treasure without the gang knowing it. Moreover, if a man had a good horse, it was not unlikely to be used by the ranchman or his friends or to become permanently "sick" or "lost". On the other hand, when vigilantes arose, it was difficult for roughs in town to leave unobserved, and an honest ranchman might furnish mounts for vigilantes who needed them.²⁰

One of the most striking and important features of territorial legislation in connection with the mining advance was the granting of numerous franchises for roads, ferries, and bridges. These franchises, of course, conferred monopolistic privileges, and they were the subject of much execration. Conditions in respect to franchises, from the point of view of opponents, were discussed by Governor Ashley, of Montana, as follows: "A large majority of these private acts conferred extraordinary privileges on a few individuals, and, of necessity, excluded from the enjoyment the great body of our citizens. And I speak with moderation when I say that many of these so-called laws authorized persons to do acts which were little better than legalized highway robbery. The whole territory was shingled with special franchises so that travelers and packers, and freighters, found in every canyon, on almost every water-course, and on many broad and level plains, a toll collector, who demanded, as a condition to the passing of each, from *one* to *three* dollars. The smallest amount demanded at any toll gate, as a rule *is one dollar*."

²⁰ McConnell, W. J., *Idaho Inferno*, MS. p. 4; *Contr. His. Soc. Mon.*, Vol. VI, p. 279-80.

At rickety bridges, which are often unsafe for man or beast, from one to three dollars." A majority of all the acts, memorials, and joint resolutions passed by the early Montana Legislatures, the Governor claimed, were of a private character. Congress finally amended the Organic Act so as to prohibit special charters.²¹ Washington Territory, (during the period when it included the mining regions) and Idaho Territory were just as lavish.²²

Valid grounds for defense of the conduct of the legislatures, however, are not lacking. There was very urgent need for roads, ferries, and bridges in the mining regions. If one can imagine how the country was when civilized society entered it, how formidable were the obstacles to communication, and how difficult and even dangerous traveling was, he can more readily understand how natural and insistent were the demands of the mining population upon the legislatures. How were these demands to be met? Recourse could be had to the Federal government for these purposes only rarely on the plea of military or postal necessity, and the aid given was far too slow for the needs of a mining people; the legislatures on their part had, as we have seen, extremely scanty revenues, and the expense of getting work done was great on account of the high prices in the mining districts. Shrewd men, of course, were willing under special privileges to undertake the work, because of the prospect of good gains, and many of the honored names of the territories were to be found among the owners of franchises. It should be noted also that limitations were generally placed upon franchises by the legislatures, especially upon such as were of special importance. The rates of toll to be charged were often specified, and generally these rules were to be subject after a year or two to the control of the county commissioners. There was always a time limitation of ten, fifteen, or twenty years, and sometimes it was provided that the county commissioners could take over roads, bridges, or ferries on payment of cost. Failure to make

²¹ Ibid.

²² Another practice of the territorial legislatures, which was reprobated by executives was the granting of divorces. The Legislature of Montana at its first session granted 9 divorces, and the practice was persisted in by the Legislature of Washington in spite of earnest opposition by governors.

improvements within the specified time might result in voidance of the franchise and certainly in the lapse of legal right to collect tolls. Generally there was some special taxation, though not very heavy. There was a tendency, moreover, to place all such special acts under general law, and also to relegate such matters largely to the county commissioners.²³

Notwithstanding its imperfections, the machinery of American territorial government in the mining regions worked gradually toward ordered processes of law. As a matter of fact, whatever might have been, it *was* the means through which these territories settled down to the conditions usually obtaining in American communities. But the great defect lay in the slowness of administration in comparison to the sudden needs of mining camps. While Congress was legislating for one set of conditions and officials journeying slowly over the plains, conventions and elections being held, legislatures gathering and county organizations being effected, the mining population might jump hundreds of miles in a week, fill a gulch with unorganized society, and create conditions imperatively demanding instant readjustment in the application of the forces of government. The fundamental trouble was that a system of government which had been evolved for the needs of an agricultural population, in regions generally not rugged, failed to meet the demands of communities of miners in mountainous regions. In the one case, population came in leisurely, with the intention of permanency, and did not concentrate densely; in the other it came in with utmost haste, having little idea of abiding, and gathered in more compact communities.

II. Forms of organization characteristic of mining camps.

The looseness and ineffectiveness of the American territorial machinery which, when revealed in the lack of control of crime, made imperative the robust procedure of the mining camps, may be illustrated by a report from the county auditor of Madison County, then in Idaho Territory, to the territorial auditor:

²³ *Laws of Washington Territory, 1858-1861, Vol. II, pp. 86, 116, and 130; Laws of Idaho Territory, First Session, pp. 645 and 647.*

Virginia City, Idaho Territory,
Aug. 3rd, 1864.

B. F. Lambkin,
Territorial Auditor,
Lewiston, Idaho.

Dear Sir:—

Enclosed find simply a report of the amount of money received by the County Treasurer of Madison County. We have a rebellion here and can do nothing with the revenue law of the Territory. Our merchants have held indignation meetings and all refuse to pay the license, and about nine tenths refuse to pay the poll tax. The laws are very odious and unpopular with the whole people, and what makes it worse is the fact we are separated from you and are soon to be organized as Montana Territory. The Governor is already here and another drawback is, we have no published copy of the law, and we cannot show authority for collecting taxes. We have nothing but an old bill introduced into the House or Council but is not a certified copy of the law.....

Yours truly,
R. M. Hagaman.

Mr. Hagaman wrote again three weeks later that the Governor was about to commission the officers of the new territory, and added—, “this will dissolve I suppose our connection with Idaho.”²⁴

Still more significant of the weakness of the territorial system, when applied to criminal conditions, was a defect brought out in a decision of the supreme court of Idaho Territory. The decision dealt with the validity of criminal law in the territory between the passage by Congress of the Act creating the territory, March, 1863, and the enactment of a criminal code by the first legislature in the session which began in December. It will be recalled that this was just the period when thousands of adventurers rushed into Boise Basin, and when the need of law was very great. During this period two men had been tried for murder and adjudged guilty, the one re-

²⁴ *Report of the Territorial Auditor of Idaho Territory*, December 1, 1864, p. 8.

ceiving a sentence for imprisonment for ten years, the other for twenty. These men were brought before the Court in 1866 by writ of habeas corpus and were ordered released on the ground that, at the time the crimes were committed, no statute against this crime existed in the territory. The opinion of the court was based on the following considerations: By the Organic Act, Idaho was formed out of portions of Washington, Dakota, Nebraska, and Utah Territories. The Organic Acts of these territories in so far as they applied to the new Territory were at its formation repealed and became nullities. Hence, statutes based on them, so far as affecting this territory, were invalid, since the fountain of authority was stopped. "The uniform practice . . . conclusively establishes, we think, the principle that the laws of the old organization have no force in the new political community, unless by special provision." In the act organizing this territory there were no provisions recognizing former laws—an impossibility, indeed, since the territory was formed from four territories. Nor was there any similarity to conquered or ceded territory, in which case laws pass with the people and the soil, because this case was that of dismemberment of old territory. No statute, therefore, existed, and the court ordered these proven criminals set at liberty. No such incident occurred in British Columbia, nor would it seem a possibility there. While this decision may not directly have done serious damage in Idaho, yet this attitude on the part of those charged with administering law in preferring theoretical and technical considerations to plain, common-sense justice was particularly unfortunate in these mining communities in their formative period; and it made necessary forms of organization which should attain swiftly and more surely indispensable ends.²⁵

The form of organization to which miners always turned naturally was that of the mining camp. A mining camp in the mineral regions of the United States, as is well understood, was not merely a collection of claims or of cabins but generally, also, an organized form of local government. Each

²⁵ The full text of this opinion is given in the *Idaho World*, Aug. 25, 1866.

camp—or, to use the more technical term, district—had its customs and rules, and to enforce them a judge, recorder, and some sort of executive officer. The position of Miner's Judge in a prosperous camp was very important, and he was generally kept busy continually hearing cases. All sorts of cases were tried before him and argued by attorneys, who were to be found in every large camp—cases of assault and battery, suits, and all the manifold disputes concerning rights to claims and to water which arose in the camp. Disputants might have a trial by jury, if they would agree to pay the jury enough to make up for loss of time on their claims. In case of dissatisfaction, appeal might be taken to a miner's meeting, which was the final source of authority. The miner's meeting was quite like a New England town meeting—except that it was frequently held on Sunday. In this meeting the district voted its rules and regulations, elected its officers, decided when claims should be laid over, heard appeals, organized for military purposes, and sometimes tried cases—especially the more serious ones, such as robbery or murder. Cases might be tried by the meeting itself, or left to a jury appointed by the meeting. This mining camp organization originated in California and spread thence everywhere with the mining advance in American territory; and even in British Columbia it began to be used by the miners before they learned that there it would not be needed. The mining camp was, as an institution, a remarkable example of the American instinct for order when formal law was dilatory and weak, and it contributed greatly to the evolution of law and order in the American territories.²⁶

There is an interesting example of the informal working of the mining camp in an action of Brown's District, Bivens Gulch, Montana Territory, in 1864. The meeting was held in the saloon of J. H. Hughes in Bagdad City, for the purpose of settling a dispute between W. P. Allen and Company and Caleb Perry. Wila Huffaker was called to the Chair, and E. T. Headley was appointed Secretary. On motion, the Chair appointed six citizens as a committee to try the case and render

²⁶ A careful and interesting account of mining camps is that by Charles Howard Shinn, *Mining Camps. A study in American Frontier Government*.

a decision according to the evidence and testimony advanced before them. The committee reported that Allen and Company were entitled to receive \$100 from Perry. Perry, however, declared that he would pay nothing. The following resolution was then adopted: "Whereas, It is a notorious fact that Caleb Perry will pay no debt unless by force; and

Whereas, after having agreed to abide by the decision of a jury of six men appointed to make such decision, and then disputing the right of such jury to try the case, and refusing to make any settlement,

Resolved, That the miners of this district put Mr. Allen in possession of the claims of Caleb Perry and assist and protect him in working the same, until he shall have taken out \$100 clear of expenses." Perry was then notified that unless he complied with the decision within twenty minutes Mr. Allen should be put in possession the following day. Perry refused to comply, and a committee was appointed to carry out the will of the meeting. Perry, however, promised next day to pay Allen from the first dust taken out, but on leniency being shown, paid other debts first. Another meeting was held, and it was resolved to put Allen and Company at once in possession. Perry was called in, and the resolution was read to him, "to his great disgust." The resolution was carried out.²⁷

But local government by the miners had its defects.

In the first place, charges of monopolization of mining ground were repeatedly made in all sections of the mining regions south of the Line. In Owyhee on Jordan Creek the first twenty-nine discoverers appropriated all of the available ground by making mining laws which allowed to each a discovery claim of three hundred feet, a location claim of the same size, and in addition three hundred feet for a friend.²⁸ In Boise Basin there was much outcry against monopoly.^{28a} An expedition of forty-two miners which prospected in 1863 far up the South Snake, thinking that prospects were favorable for good dig-

²⁷ The Montana Post, Nov. 5, and 26, 1864.

²⁸ Maize, *Early Events in Idaho*, MS; San Francisco Daily Bulletin, June 6, 1864.

^{28a} "Such land monopoly [as at Boise] and such mining laws were never heard of," San Francisco Daily Bulletin, Oct. 20, 1863.

gings, organized into a miners' meeting and adopted the following regulations:

1. That every person present should be regarded as a discoverer, in each and every gulch found by any party or member of a party.

2. That each member, as discoverer, should be entitled to five claims of 200 feet each along the gulch—viz., "a discovery claim and a pre-emption claim in the main gulch, a bar claim, a hill claim, and a patch claim." "These liberal and disinterested regulations," one of the party wrote, "were voted in the affirmative with gratifying unanimity and the chairman was just about to put the question to the meeting whether there was any more business before it, when a big burly Scotchman named Brown, who had apparently been turning the subject over in his mind, jumped up and inquired with great earnestness, "But Mr. Chairman, what shall we do with the rest of it?" The question, it was reported, was received with roars of laughter.²⁹ A mining convention in Summit District, Montana, asserted that legislation was needed to regulate the district laws and the power to make them; "Fifty men may make the laws of a gulch which may contain ten times that number before the end of the month."³⁰ In the region around Helena, a correspondent wrote to Judge Hosmer, "A perfect monopoly exists among the early claimants. Some 20 or 25 persons first preempted Last Chance Gulch and when they had exhausted the names, they went above or below and formed new districts, and thus they continued, carrying their exclusiveness into other gulches in the vicinity, as they were discovered; and to enable them to hold this number of claims they passed laws to suit themselves, postponing representation to suit their convenience."³¹ At a "miner's mass meeting" at Helena, at which there were said to have been 800 people present, the principle was expressed that no man should "hold more claims than he can represent by actual labor," and the determination was announced to break down these "gambling-speculative paper

²⁹ *Contr. His. Soc. Mont.*, Vol. I, pp. 113-143.

³⁰ *The Montana Post*, Dec. 10, 1864.

³¹ *The Montana Post*, Feb. 25, 1865.

titles and put picks and shovels in their place." The evidence from so many localities would indicate that, in the American system of free competition in the exploitation of the public domain, as manifested in the mining camps, there was a perceptible tendency to petty monopolization—a tendency under general governmental regulation from the start in British Columbia.

Something is to be said, however, on the other side. It was true that, so far as the rules went in some of the mining districts, a man could hold claims in more than one district, and that the requirements of representation were not strict; but, as a matter of fact, very few men did hold claims in more than one district. Why were not alert men, moreover, who prospected far at much expense, or who got up in the middle of the night to take part in a stampede, entitled to special privileges? Here were fellows, on the other hand, who loafed around for a week to see whether new ground would turn out to be good, and then wanted a share of the rewards of the energetic, and would try to get a majority in miners' meeting in order to reduce the size of claims. It was well to remember what the crowd got that tried to jump the claims of some discoverers across the Prickly Pear—three or four of them were killed, and the rest stampeded. There were always people who were discontented with other people because they had something, and there were always natural agitators glib of tongue, and sometimes intelligent men and skilled miners, who liked to get up mass meetings and try to overthrow established ways. In reality, there was no such thing as monopoly in the mines.³²

Another, and a real, defect of the system of local mining law was that the miner's meetings were, like all popular bodies, liable to gusts of feeling, and sometimes made sudden reversals of judgment. For example, when, at Virginia City, two desperadoes had been condemned to death for a flagrant murder and were on the point of being executed, because of the clamors of some women and the intercession and sharp practices of

³² I have tried in this paragraph to express the views of practical miners. For some of the considerations I am indebted to Judge Pemberton of Helena.

friends, they were let off.³³ It is not denied, of course, that there were executions firmly and justly conducted by miner's courts. But there might come times when the roughs were so numerous and so well-organized as fairly to dominate for a while the mining community—and then society fell back upon that summary instrument for protecting itself, the vigilante organization.

At the outset of our discussion of this interesting phase of the evolution of law and order in the American mining camps, it is well to make clear the difference in the procedure of the vigilantes and that of the ordinary miners' courts or meetings. When a man was arrested by authority of the latter organizations, he was brought to trial, and the determination of the case, finally, was in the body of the people; when a man was arrested by the vigilante organization, his trial had already been held and the punishment determined in secret by a few citizens. The mysteriousness, swiftness, and certainty with which the vigilantes worked awed the most formidable desperadoes. It is not the purpose of this work, however, to give a circumstantial account of the thrilling and picturesque achievements of the various vigilante organizations which came into being in the mining regions of our study, but to try to set forth some of the conditions which produced them and determined their efficiency and, especially, to describe so far as our material will permit their methods of organization.³⁴ Since the conditions in Montana were such as to produce a remarkably thorough and effective vigilante organization, let us turn our attention to the organization in that territory first.

Nowhere was the inadequacy of the territorial system in the mining regions attended by more grave consequences than in western Montana. When, in 1862, the mining movement thither began to assume noticeable proportions, that part west of the Rocky Mountains was in Washington Territory and dependent for authority to form legal local government upon the legisla-

³³ Langford, *Vigilante Days and Ways*, Vol. I, p. 359-70.

³⁴ For narratives and descriptions of the deeds of the desperadoes and of the circumstances of their punishment the reader is referred to the following works: Dimsdale, *The Vigilantes of Montana*; Langford, *Vigilante Days and Ways*; Bancroft, *Popular Tribunals*.

ture which met on Puget Sound; the part east of the mountains, on the other hand, belonged to Dakota Territory, whose legislature convened at Yankton a thousand miles or more down the Missouri. The mining community which was forming on Grasshopper Creek was, therefore, within the jurisdiction of the latter. There was a constant tendency in the criminal element of mining camps, it may be observed at this point, to migrate from older camps where order had begun to evolve to these new camps, where, for a while at least, unrestrained by authority, they might commit crime. On the other hand, it was very difficult for the honest miners and citizens in these exposed camps, having come from many and diverse sections, and therefore being unacquainted with each other—each intent, moreover, on his own work and purposing to make as much money as he could and get away as soon as possible—it was difficult for these to organize in opposition to violent and desperate men. Such organization became doubly difficult and dangerous when the roughs themselves were leagued together. Such was the case in East Bannock in 1862-3. A gang of ruffians gathered there, coming immediately from Florence, Lewiston, or Walla Walla, but with a schooling in crime that extended back to Nevada and California. Some of them had learned disrespect for law by experience of its leniency as administered by regularly constituted authorities. Qualities of manhood were not wanting among some of their number; courage, skill in the use of arms, education, ability to use good language, fidelity to friends, personal attractiveness, and social charm—qualities which gave to them so wide a circle of friends as to make harder the task of punishing them for their villainies. But robbery and murder became with them a business. They bound themselves together by oath, adopted special marks of identification, and arranged means of communication.³⁵ Their chief was Henry Plummer. Plummer was a man of good manners, somewhat fastidious as to dress, usually quiet in demeanor and self-controlled, a good student of human nature, and keen to direct and take advantage of public opinion; but

³⁵ The names of the gang and a description of their organization may be found in Langford, *Vigilante Days and Ways*, Vol. II, p. 93.

he was also venomous in animosity and so unscrupulous and determined as to let nothing stand in his way, and he was noted for his skill with the revolver. This remarkable man so ingratiated himself with the community as to be elected miner's sheriff, and he chose as some of his deputies members of his own gang.³⁶ The inclusion of East Bannock and neighboring camps in the new territory of Idaho in the spring of 1863, did not weaken the power of the band; for Lewiston, the first capital, was on the other side of almost impassable mountains, and the legislature did not meet until the next winter. The discovery of Alder Gulch that same spring, on the other hand, the inrush of thousands of people (many of them unused to Western ways), and the production, circulation, and transportation of many thousands of dollars worth of gold dust gave to the desperadoes opportunity for more bold and extensive operations. Villanies multiplied. No traveler was safe from attack; merchants were compelled to extend credit with no hope of repayment; men who knew the authors of the outrages were killed, driven away, or silenced by threats; citizens who made any open stand for law were marked for death. The miners' meetings and juries were swayed by the desperadoes and their friends, or terrorized. Robberies, assassinations, and murders became increasingly common and wanton; the criminals more defiant and insolent. The total number of men killed mounted to over one hundred.

The crisis came, December, 1863, in the murder in an atrocious manner of a young German. George Ives, a prepossessing member of the gang, conspicuous for the number and boldness of his crimes, was brought to trial for this crime before a great miners' meeting at Nevada City. An advisory commission was chosen, and lawyers appeared for the prosecution and defense. Delay of more than a day by bickering and altercations was ended by the announcement of the miners that the case must close at a certain hour. The commission, with the exception of one man, voted guilty. Then came a period

³⁶ Plummer was not a county sheriff under regular legal authorization. He even schemed to become deputy United States Marshall, and nearly all the members of the Union League at Bannack favored his appointment; *id.* Vol. I, p. 382.

of hesitation such as had before unnerved the friends of justice. The crowd swayed to and fro, the friends of the prisoner swore that he should not die, everywhere were confusion, doubt, and anxiety. The occasion demanded a leader of more than ordinary courage and decision. It was at this juncture that Col. W. F. Sanders moved "That George Ives be forthwith hanged by the neck until he is dead." The motion was carried, and Ives was hanged within an hour.

Some account, at this point, of the character and career of the man whose leadership at this critical time was so decisive for the cause of order, may not be amiss. Wilbur F. Sanders was born May 2, 1834, at Leon, New York, of New England ancestry, and he was educated at Phelps Academy. He removed at the age of twenty to Akron, Ohio, where he taught school and studied law, being admitted to the bar in 1856. At the outbreak of the Civil War he recruited a company of infantry and enlisted in the 64th O. V. I. He was in active service until ill health compelled him to resign, and he then went in company with his uncle, Judge (afterward Governor) Edgerton to Montana. In the formative era of Montana—from the mining camp stage, through the territorial period, to established statehood—no man more devotedly labored for the best interests of the community nor better served the cause of law and order than did Colonel Sanders. A candidate for Congress several times, though unsuccessful, at the entrance of Montana to statehood he became United States Senator. He died July 7, 1905.³⁷

Senator Sanders was a man of great vigor, activity, and power of initiative. His two leading characteristics were intrepidity and honesty. He was a "superb warrior" and delighted in fighting in a minority, if he believed that he was in the right. His was not a nature given to compromise, and he spoke out fearlessly against corruption. The very intensity of his courage and integrity, however, made him sometimes not absolutely just, and the poignancy of his speech produced enemies. His power as an orator was very great. Men who heard him at the time of the Ives trial say that his eloquence

³⁷ Mr. Sanders was also President of the State Historical Society and Past Grand Master of the Masonic order.

was terrible. He had a marvelously modulated voice and an exceptionally easy and precise command of English. His addresses on historical and social themes reveal power to discern conditions clearly, breadth and vividness of characterization, profound comprehension of contemporary tendencies, and much social earnestness. The style of these addresses, even in the reading, compels one's attention by its rapidity and breadth.³⁸ The main tendency of the life of this pioneer leader may be learned from some words written by him about the time Montana became a state. The man "who does nothing to make the community wiser and better," he wrote, "will never know the real luxury that pertains to identification with the founders of these communities." The labor of the first pioneers he explains, has been accomplished, but there now remains the founding of the State. "It will be a very unsatisfying consciousness when we recur to the present time if we shall only have it to say that we made a fortune for ourselves, that we were a mere observer of events, when we are also conscious that we did nothing to strengthen the intellectual and moral force that out of the chaos of incoherent life is to evolve law and order."³⁹

A stern and, under the circumstances, a necessary first step in the evolution of law and order in Montana was the formation of a vigilante organization. A few of the citizens of Nevada and Virginia started the movement the day after the execution of Ives, and the organization spread secretly and swiftly, until it came to embrace a majority of the citizens in the different camps who were resolute to bring about a better state of affairs. Paris S. Pfouts, a merchant of Virginia City, it is now known, was president of the vigilantes, and Col. Sanders was legal adviser and, as one pioneer recently expressed it, "the life of the thing." Among the executive officers were John X. Beidler, Neil Howie, and John Featherston—a trio unsurpassed for coolness and daring, to whom Montana owes

³⁸ For example consult *Con. His. Soc. Mon.* Vol. IV, pp. 38-48 and 122-148.

³⁹ *Sketches of Early Settlers in Montana*, by Col. W. F. Sanders, MS. My chief sources for the above characterization are conversations with Judge W. Y. Pemberton and James U. Sanders, son of Col. Sanders; also the *Maryville Mountaineer*, July 13, 1905, and the *Butte Miner*, July 8, 1905.

much for brave enforcement of order against desperate odds.⁴⁰ Other leaders or "captains" were James Williams and Richard Kenyon. Among these leaders were both ardent secessionists and unionists. The main headquarters were at Pfouts's store in Virginia City, and a notice of a meeting was given by posting the symbol, 3—7—77. Miners formed the rank and file of the organization.

The vigilantes went promptly to work, with the purpose not simply of driving the murderous crew to other communities (as was the effect of some vigilante movements), but to end the careers of the criminals. "If a man a'int fit to live here," remarked one vigilante, "he a'int fit to live nowhere." One of the desperadoes earliest captured revealed the names and the method of organization of the gang.⁴¹ Within a month more than a score of criminals were summarily executed, including Plummer. The work was done for the most part quietly and by small groups of men.⁴² One must admire not only the valor of these American citizens in risking their lives to effect the capture and execution of these desperadoes, but also their determination in making long journeys in the depth of a severe winter. The effect of this heroic work was healthful. Criminals were cowed, and reckless young men who were drifting toward crime were appalled. Violent crimes for awhile ceased, and citizens worked and traded and traveled in comparative security. "There was an omnipresent spirit of protection, akin to that omnipresent spirit of law which pervaded older civilized communities."⁴³ Summary methods of American citizens in the mining regions attained by a more difficult and dangerous process ends not unlike those attained by summary government in British Columbia.

Two documents have survived which reveal something of methods of organization of the vigilantes in Alder Gulch.

⁴⁰ Photographs of these men are reproduced in *Contr. His. Soc. Mon.* Vol. V., op. p. 210.

⁴¹ Dimsdale, *Vigilantes of Mont.* (ed. 1882) p. 120-21.

⁴² On occasion, as at the capture and execution of five of the band at Virginia City, the miners assembled in large numbers and acted in military formation.

⁴³ Langford, *Vigilante Days and Ways*, Vol. II, p. 232.

The first is a copy of their regulations and by-laws, and is as follows:

“This committee shall consist of a President or Chief, an Executive officer, Secretary, Treasurer, Executive committee Captains and Lieutenants of Companies, and such gentlemen of known worth and integrity, as the Captains, Lieutenants and other officers enumerated above may deem worthy of being made members.

“The President shall be the supreme ruler of the committee, shall reside in Virginia City, and shall have power to appoint Captains to raise Companies wherever and whenever he deems the interests of the committee require the same to call together the Executive Committee whenever the same should be convened to order the arrest of any suspicious or guilty person, to preside at all meetings whenever present, and to have such other powers as would naturally devolve upon one occupying his position.

“A majority of votes of the Executive Committee shall constitute an election for President and he shall hold the office until his successor is appointed and accepts the position.

“The Executive officer shall have the government and control of all Captains, Lieutenants, and companies, shall see that all orders of Chief and Executive committee are duly executed, shall have the selections of all persons sent out upon any expeditions of the Executive committee and choose a leader for the same and in case of the death or absence of the chief shall assume the duties of the office of President, until a new President is chosen. The Secretary shall keep a correct record of all things proper to be written, the names of the Chief, Executive officer, Secretary, Treasurer Executive committee and the names of the Captain and Lieutenants of Companies.

“The Treasurer shall receive all monies belonging to the committee, keep a true account of the same and pay them out again upon orders of the Executive committee attested by the Secretary.

“The Executive shall consist of seventeen members to wit: The President, Executive officer, Treasurer, Secretary of the Committee, four persons to be selected from Virginia City, three

from Nevada, one from Junction, one from Highland, one from Pine Grove, two from Summit, and one from Bivins Gulch, any eight of whom shall constitute a quorum. It shall be the duty of the Executive committee to legislate for the good of the whole committee, to try all criminals that may be arrested, to pass upon all accounts that may be presented, and if just to order the same paid by the Treasurer and to take a general supervision of all criminal acts that may be committed within this Territory or come under their notice.

“The Captain of Companies may be appointed by the President, or the Executive officer, who shall hold their offices until elected by the Companies themselves, every Captain shall have power to appoint one or more Lieutenants. The Captains and Lieutenants shall have power to recruit their companies from men of integrity living in their midst, and when any one company outside of Virginia City numbers over fifty effective men a division should be made, and two companies formed from the same and officers elected from each.

“It shall be the duty of the members to attach themselves to some company and whenever any criminal act shall come to their knowledge to inform his Captain or Lieutenant of the same, when the officers so informed shall call together the members of his company, (unless the Company has chosen a committee for such purpose) when they shall proceed to investigate the case, and elicit the facts and should the said company conclude that the person charged with any offense, should be punished by the committee, the Captain or Lieutenant will first take steps to arrest the criminal and then report the same with proof to the Chief who will thereupon call a meeting of the Executive and the judgment of said executive committee shall be final.

“The only punishment that shall be inflicted by this committee is DEATH.⁴⁴ The property of any person executed by this committee shall be immediately seized upon and disposed of by the Executive Committee for the purpose of paying the expense of the Committee, and should the person executed have

⁴⁴As a matter of fact, there were exceptions. Two lawyers, Smith and Thurmond, who sympathized with and defended the criminals, were banished, and one man was whipped. Imprisonment was impossible, because there were no jails.

creditors living in the Territory, it shall be the duty of the committee to first pay the expenses of the committee and Executive and funeral expenses afterwards, pay the residue over to some one for the benefit of said creditor."

The second document is the Vigilante oath, as subscribed to by one of the "companies," and was as follows:

"We the undersigned uniting ourselves in a party for the Laudible purpos of arresting thieves and & murderers & recovering stollen propperty do pledge ourselvs upon our sacred honor each to all others & solemnly swear that we will reveal no secrets, violate no laws of right & not desert each other or our standerd of justice so help us God as witness our hand & seal this 23 of December 1863."⁴⁵

Justifiable as the organization of the Vigilantes of Montana undoubtedly was under the circumstances, nevertheless there was felt to be danger of misdirection or of misuse of a weapon so terrible; and this was the more true after the most critical time had passed, and careful citizens were again intent on their own business. In some cases,—more conspicuous elsewhere than in Montana,—men of eriminal character would join the organization as a shield for their own misdeeds, and these, with other despicable or chance characters, might work excess. One man was executed at Nevada, the victim of whose shooting afterwards recovered; and another was hanged at Helena after trial by the civil authorities, sentence for three years, and pardon by the Executive. Because of past cases of doubtful or wrongful justice in the infliction of the death penalty, some of the old Californians in Montana were opposed to the organization of a vigilante committee; and the well meaning citizens who took part in the movement were zealous to uphold the regular civil authority and willing to quit their organization, when that authority proved itself thoroughly competent to maintain order.

But the civil authorities had first to establish their competence. In the meantime, the people, realizing the beneficence of

⁴⁵ Original copies of the Constitution and Oath given above are in the Montana Historical and Miscellaneous Library. The oath itself and the signatures of the signers (of whom there were twenty-four) are in the cramped writing of hands more used to the pick than to the pen.

the work done by the vigilantes, were inclined to uphold them. The judges, themselves, recognized the temporary necessity for the work of the vigilantes. Judge Munson, insisting in a conference with other judges that the courts should take cognizance of some of the executions, was told by one of the judges: "I am content to let the vigilantes go on for the present; they can attend to this branch of jurisprudence cheaper, quicker and better than it can be done by the courts—besides we have no secure jails in which to confine criminals."⁴⁶ A grand jury in one of the districts is reported to have presented to the court in lieu of an indictment,—“That it is better to leave the punishment of criminal offenders to the Vigilantes, who always act impartially, and who would not permit the escape of proved criminals on technical and absurd grounds.”⁴⁷ The Montana Post claimed that there was “No jury as immovably fair, impartial and unassailable, as the cold, stern, lynx-eyed, iron-willed and even-handed Executive Committee.”⁴⁸

In other localities covered by the mining advance besides Montana there was recourse, as occasion demanded, to vigilante organization. At Lewiston there was a Protective Association composed of two hundred and fifty good citizens, which had a president, secretary, and executive committee, and was modeled on the plan of the San Francisco Vigilante Committee. It was said to have hanged three murderers and to have exiled about two hundred thieves and gamblers.⁴⁹ Renegades from the mines were active in Walla Walla, and stockmen were especially troubled by their running off stock from the neighboring hills and selling it in Walla Walla. Summary executions brought order.⁵⁰ At La Grande, Oregon, a vigilante “lodge” was formed having as some of its leading members the Meachem Brothers, Doctor E. A. Stockton, and Lawyer Bacon.⁵¹

In Southern Idaho, unity such as prevailed among the supporters of law and order in Montana, was, unfortunately, lack-

⁴⁶ *Contr. His. Soc. Mon.*, Vol. V., p. 209.

⁴⁷ *Id.*

⁴⁸ Quoted in the *Idaho World*, May 26, 1866.

⁴⁹ *San Francisco Daily Bulletin*, May 5, 1863.

⁵⁰ Ritz, *Settlement of the Great Northern Interior*, MS., p. 19.

⁵¹ McConnell, *Idaho Inferno*, MS., p. 54.

ing. The situation here was complicated, and it is only with difficulty that one can arrive with some clearness at certain phases of the situation, which need careful elucidation as part of our study.⁵²

It seems certain that in Southern Idaho, crime was prevalent to a degree such as in other communities had been held to warrant the formation of a vigilante committee. There was frequent mention in the papers of murders and robberies. The district attorney stated in the district court in 1865 that, since the organization of Boise County, there had been sixty deaths from violence, and yet not a single conviction.⁵³ *The Idaho World*, the leading Democratic paper and an opponent of the vigilante organizations, while attributing the lack of legal executions to the delay in organizing the territory and the courts, admitted that no one had been hanged for murder by due process, and that the vigilantes had hanged none but roughs.⁵⁴ These latter were undoubtedly numerous, some of them congregating at road houses along the thoroughfares and others in the towns. The livery stable of David Updyke at Boise City, in particular, had the reputation of being a rendezvous for a bad crowd.⁵⁵

The first movement toward vigilante methods of suppression occurred among the ranchers of the Payette Valley, who had lost considerable stock at the hands of insolent ruffians and could get little satisfaction from lawful authorities. As an example of the inutility of legal procedure at the time, the case of one gentleman may be mentioned who, when a horse worth fifty dollars was stolen and taken to Boise City, sued out an attachment and recovered the animal, but at an expense of seventy dollars. A small organization of the ranchers was effected, thieves were pursued long distances, several of them were executed, and thievery in the valley was summarily checked.⁵⁶ The

⁵² The main trouble is that politics entered into the situation, and that the sources are influenced by political affiliations.

⁵³ *The Idaho Statesman*, Sept. 3, 1865.

⁵⁴ *The Idaho World*, Oct. 2, 1865; April 28, 1866.

⁵⁵ As to the career of Updyke, see Langford, *Vigilante Days and Ways*, Vol. II, Chap. XXII.

⁵⁶ The leading spirit of this organization was Mr. W. J. McConnell, who gives an interesting account under the caption of *Idaho Inferno*, MS. Mr. McConnell later became Governor of Idaho and United States Senator.

vigilante movement was manifested again in August, 1865, in the attempt to take Patterson from jail; and an atrocious murder in Boise City at Updyke's barn (April, 1866,) was followed by prompt hanging at the hands of a vigilante committee. A little later Updyke himself was hanged with a companion on the Rocky Bar Road; some authorities claim that this was done by the Boise vigilantes, others by an organization of Overland employees.⁵⁷

Updyke had been the Sheriff of Ada County, regularly elected as such, but being charged with embezzlement he had resigned. He was a man of genial character, who made many friends, and he was a leading Democratic politician. *The Idaho World* claimed that his execution was really a murder, having for its object getting possession of the money that was on his person, "gratification of personal hate, and to get a powerful political foe out of the way." The organization of a vigilance committee, the *World* claimed was mainly for the purpose of carrying the summer elections against the Democratic party.⁵⁸ This charge that the vigilante organizations of Southern Idaho were political in purpose and inimical to the Democratic party, was again and again reiterated. The *World* admitted, however, that at the time of the Patterson affair, "There were undoubtedly many who went into the organization with the laudable desire of freeing the community of much which is deservedly the object of reprobation with every good citizen, having no ulterior objects in view other than that of the good society." But there was a legally constituted government in Idaho, so the Democrats argued, and the majority of the people were in favor of civil government, not of mob rule.⁵⁹ On the other hand, the Republicans charged that the Democratic political organization, having the power, did not enforce the laws; "make the people believe that you are in good faith trying to enforce it (the law)," said *The Statesman*, "and we shall hear no more of vigilance committees and lynch law."⁶⁰ The situation appears to have:

⁵⁷ The latter view, for example, by McConnell, p. 55; the former by Langford, Vol. II, p. 352.

⁵⁸ *The Idaho World*, April 14, 1866.

⁵⁹ *Id.*, Oct. 2, 1865.

⁶⁰ *The Idaho Weekly Statesman*, Sept. 3, 1865.

been that there were politicians in both parties who were willing to place party advantage above the good of the community, but that the majority of the number of both parties were sincerely desirous of more orderly government; that those of the people who tried to act through vigilante organization were confronted by the fact that they put themselves in an attitude of antagonism to the regular authorities, while the people who upheld the authorities, and particularly the political organization of the dominant party, were hampered by the fact that they were in political affiliation with, and dependent upon, men for votes, whose character they could not defend. At any rate, the situation was such that neither the extra legal organization nor the legal authorities could deal decisively with the criminal element, and so the evolution of law and order in Idaho was slower and more confused than in Montana.⁶¹

Reviewing in conclusion, the prominent features of the different governmental forms applied under the British and under the American auspices in the mining advance, we see, on the one hand, government concentrated largely in the hands of an efficient executive, who made laws and organized administration on summary methods; on the other, representative government, under hampering conditions, working tardily and painfully towards order, and meeting local or occasional reinforcement. Under the former society was from the first under control, and there was a tendency to restrain individuals for the benefit of society—a restraint at times verging to over repression; under the latter individualism was feebly controlled from above, but

⁶¹ A curious fact in the party politics of Idaho at this time is the connection between Fenianism and the Democratic party. The leaders of that party in Boise County (which was far the most populous county in the Territory at that time and with political power proportionate to population) were on close terms with or members of the Fenian Organization. On the Invitation and Reception Committees of a Grand Fenian Ball given by the Emmett Life Guards were E. D. Holbrook, Democratic candidate for Delegate to Congress, James Crutcher, Democratic Sheriff, Street, the Editor of the *World*, Mix, nominee for representative, and a number of other prominent Democrats. John M. Murphy, the Secretary of the Democratic Territorial Central Committee, was the State Centre of the Fenian Brotherhood. For substantiation of these statements compare lists of Democratic nominees in the *Idaho World*, May 12 and June 26, 1866, with the leaders at the Fenian Ball, published June 30, 1866. It was charged by Republicans that Fenianism was being used by Democrat politicians. *Idaho Weekly Statesman*, April 22, 1866.

had to generate within itself forces of order, and it tended to undue license hurtful to society. The American system developed a country the more swiftly, the British the more safely. Under both systems strong men labored courageously and well to adjust forms of order to unorganized society.

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and includes his Letters and Proclamations. The letters are found mainly in his *Miscellaneous Letters* and in his *Correspondence Book*.

Douglas's letters to the gold commissioners and magistrates in the various mining districts in British Columbia very urgently required these subordinates to furnish full and detailed reports. After a persistent search, which was made possible by the help of the officials of the Parliament buildings (and in particular by the courtesy of Mr. Arthur Campbell Reddie, Assistant Provincial Secretary), these reports and letters from the gold commissioners were found among a mass of material in the archives of the secretary's office. They constitute a most satisfactory and reliable source for the history of the early period of British Columbia mining. The commissioners were men of considerable education, who were placed in positions of responsibility where-in it was more to their interest to give a true account of what was occurring than to exaggerate, and their letters were not intended for publication. If these letters could be sorted out, edited, and published, they would furnish valuable material not only for British Columbia history but for the general history of the precious metal industry.

II. NEWSPAPERS

One of the significant features of the mining advance was the swift establishment of newspapers in all important centers. The mining population wanted the news and was willing to pay for it; in particular there was demand for news of the Civil War. The following newspapers were selected as representative:

The Washington Statesman. (Walla Walla)

The Idaho World. (Idaho City)

The Boise Statesman. (Boise)

The Owyhee Avalanche. (Silver City)

The Montana Post. (Virginia City)

The British Columbian. (New Westminster)

The Cariboo Sentinel. (Barkerville)

Other papers of the mining regions were the *Golden Age*, (Lewiston), *The Rocky Mountain Gazette*, (Helena), and *The Dalles Mountaineer*.

Papers more remote from the mining region were in direct touch with them and contain much valuable information. Of this character were the *Victoria Gazette and Colonist*. In the Sound country, among others, were the *Puget Sound Herald* (Steilacoom), and *The Pioneer and Democrat* (Olympia). At Portland was *The Oregonian*, with correspondents in many camps. The *San Francisco Daily Bulletin*, whose columns ranged the whole vast mining field, is the best single newspaper source. The wide sweep of its news items and of its editorial surveys emphasizes the fact that San Francisco was the metropolis of the American mining movement. The *London Times* contained reports from correspondents in British Columbia and valuable comments on conditions. Mention should also be made of *The Mining and Scientific Press*, a magazine published at San Francisco.¹

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For British Columbia we have *Papers regarding British Co-*

¹ Hon. C. B. Bagley, of Seattle, possesses one of the most valuable collections of newspapers on the Pacific Coast. I am greatly indebted to him for cordially allowing me to use it.

lumbia presented to Parliament by Command of her Majesty. The official *Gazette*, published at New Westminster, is also important. Of a semi-official character and valuable are the *Occasional Papers* of the Columbian Mission. On the Indian question invaluable are the *Papers relating to the Indian Land Question*.

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THE AGRARIAN REVOLUTION IN GEORGIA
1865-1912

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PREFACE

The economic and social history of the South since the Civil War is an attractive field to the student of American history. In broad outline the changes are well-known—the destruction of the old order of master and slave, the fall of the plantation system, the rise of the former slaves to the position of free laborers, tenants, and landowners, and the economic emancipation of the non-slaveholding class. But the successive steps in this agrarian revolution have not thus far been worked out in detail for any Southern state. The scope of this monograph and the plan of treatment are indicated in the table of contents. Chapters I, II, and III trace the changes in agricultural organization; chapter IV describes the workings of the two principal forms of tenancy that took the place of the plantation-gang system, and the remainder of the study is devoted to an account of present-day labor conditions in Georgia. The state embraces several areas differing widely in physiography and soils, economic history, and character of population. Each of the five divisions is here treated as a distinct unit, making possible interesting contrasts between those parts of Georgia where whites predominate, and those in which negroes outnumber whites.

In the preparation of the historical chapters, I, II, and III, I had the guidance of Professor Carl Russell Fish, in whose seminar in American History at The University of Wisconsin these chapters were presented as reports. Grateful acknowledgments are also due to Professor Henry C. Taylor, of Wisconsin, and Professor U. B. Phillips, of Michigan, who not only lent me valuable unpublished material, but read and criticised the entire manuscript. Professors Frederick L. Paxson and George Clark Sellery, of Wisconsin, also kindly read parts of the manuscript and made useful suggestions as to arrangement of material.

R. P. BROOKS.

Athens, Ga.

1913.

THE AGRARIAN REVOLUTION IN GEORGIA 1865-1912

CHAPTER I

ECONOMIC AND SOCIAL CONDITIONS, 1865-70

The upheaval of the sixties, while leaving untouched no phase of economic and social life in Georgia, necessarily accomplished its profoundest work in connection with the agricultural interest since more than three-fourths of the population was engaged in farming. Agriculture, along with all other industries, suffered from the destruction of capital¹ and loss of

¹ Money estimates of the cost of the War are of little value. The subject is beset with many difficulties and it is easier to point out the errors in such calculations than it is to defend one's own figures. It need only be said that the state was practically bankrupt and industry at a standstill. The withdrawal of thousands of men from productive enterprise and the losses resulting from such interruption of the industries of peace, the constant drain on the resources of the state for armies in the field, heavy taxation during and after the war, are items difficult to estimate. The freeing of slaves, while not a social loss of wealth, since their labor remained, entailed loss of credit, disturbance of land titles, and disorganization of labor. Georgia was exempt from actual invasion until near the close of the struggle. Sherman's work, however, was thorough, and it was many years before the section of the state traversed by his army recovered. In his official report, Sherman said: "I was thereby left with a well-appointed army to sever the enemy's only remaining railroad communications eastward and westward, for over 100 miles—namely, the Georgia State Railroad, which is broken up from Fairburn Station to Madison and the Oconee, and the Central Railroad, from Gordon clear to Savannah, with numerous breaks on the latter road from Gordon to Eatonton and from Millen to Augusta, and the Savannah Gulf Railroad. We have also consumed the corn and fodder in the region of country thirty miles on either side of a line from Atlanta to Savannah, as also the sweet potatoes, cattle, hogs, sheep and poultry, and have carried away more than ten thousand horses and mules, as well as a countless number of their slaves. I estimate the damage done to the State of Georgia and its military sources at one hundred millions of dollars, at least twenty millions of which have injured to our advantage, and the remainder is simple waste and destruction." *War of the Rebellion*, Series I, XLIV, p. 13.

credit entailed by the war, to say nothing of the disastrous aftermath of Reconstruction. Peculiar ills, however, affected the planting element, such as an almost total failure of crops in 1865 and 1866; labor difficulties, due to the negroes' misconception of the meaning of liberty; and the extraordinary mobility of the population. Many thousands of people migrated in the sixties and seventies from Middle and North Georgia to the southwestern corner of the state, or to the West. The freedmen, attracted by stories of high wages, departed in large numbers for Mississippi and Louisiana, making it difficult for the Georgia planter to secure labor.

The outlook was distinctly discouraging to the farmers when they returned home in the spring of 1865. During their absence in the armies, the farms had been allowed to run down. Ditches had filled, their banks had grown up with bushes and briars, fences were falling, gates and bars were out of repair; "the teams were ruined by old age and hard usage, and by the constant military impressment system, both officially and without authority, by day and by night,"² the farm equipment of plows, hoes, and harrows was worn out. The laborers were in a thoroughly demoralized condition. Cotton was extremely high and everybody turned at once to cotton planting. Good seed were not to be had. The soil was badly prepared and inadequately cultivated; the harvest was a failure, both in 1865 and 1866. Unusually bad seasons during the two years only made matters worse.

So widespread was the distress following the crop failures that thousands of Georgians must have perished from starvation but for the timely aid of the government. The Federal authorities opened a food distributing office in Atlanta in 1865. Thirty-five thousand persons in the counties around that city were dependent upon public aid during the winter of that year.³ Scarcity of food everywhere in the state was reported by a Chicago *Tribune* reporter who toured Georgia that fall.⁴ The

² *Southern Cultivator* (Athens, Ga.), July, 1867.

³ *Annual Cyclopedic*, 1865, p. 392. Several interesting letters from Georgia, giving details as to the destitution in North Georgia and the operations of the distributing office at Atlanta.

⁴ Andrews, S., *The South Since the War* (Boston, 1866), p. 377.

legislature in March, 1866, appropriated \$200,000 to buy corn for the poor.⁵ The Commissioner of the Freedmen's Bureau reported for the year 1866⁶ that the crops had been so poor on account of the drought that the farmers were unable to pay their laborers. In the month of September, 1866, 13,758 freedmen and 38,568 whites received aid from the government. During the fifteen months preceding September 1, 1866, the number of "rations" issued by the Bureau in Georgia was 847,694, of which 172,998 were to whites. Comment having been made on the fact that in some months a larger number of whites than freedmen received aid from the Bureau, it was pointed out that much of the food given to whites was by them redistributed to their laborers.

The destitution continued in 1867, but by 1868 conditions had improved, and there was no general issue of food by the Federal government that year.⁷

Farmers who had mortgaged their property to obtain stock, implements, and food with which to make crops were now in desperate straits. Notwithstanding the high price of cotton, the total failure of crops made it impossible for them to meet obligations. Foreclosures were numerous. The debtor class, always ready to demand legislative aid, secured the passage of homestead and exemption acts, removing from the reach of creditors a certain amount of property. Early in 1866⁸ a bill of this sort was vetoed by the governor and the House refused to join the Senate in passing it over the veto; but the movement was a popular one, and the Constitutional Convention of 1868 put into the new constitution⁹ an article directing that a homestead of realty to the value of "\$4,000 in specie, and personal property to the value of \$1,000 in specie, be set apart for each head of a family, or guardian or trustee of a family of minor children." Foreseeing the popular ratification of this constitution, creditors began rapidly to foreclose mortgages. The cry of oppression was raised and General

⁵ Georgia Comptroller General, *Report*, 1866, p. 21.

⁶ 39th Congress, 2nd session, *House Executive Documents*, 3, No. 1, pp. 733-9.

⁷ 40 Cong., 3 sess., *House Ex. Docs.*, 3, No. 1, p. 1044.

⁸ Georgia Legislature, *Senate Journal*, 1865-66, pp. 598-9.

⁹ Irwin, D., *Code of Georgia Laws*, 1873, p. 925, Sec. 5135.

Meade, then military governor, was induced to declare the acts of the convention binding until passed on by the people.¹⁰

Since the purpose of this chapter is to picture briefly the abnormal conditions which characterized the transition from the old to the new regime, and in a measure gave to the readjustment of race relations the direction it finally took, it becomes necessary to consider the freedman's conduct in his new status. This was, of course, the most interesting and important of contemporary problems. Public documents, political addresses, diaries, and letters of newspaper correspondents are full of the subject. Opinions as to the negro's capacity for exercising the privileges of freedom vary with the personal and sectional bias of the observers. Southern farmers were, on the whole, convinced that his utility as a laborer had been permanently destroyed. One of the military governors of Georgia, General Pope, was much impressed with the progress the blacks were making. In an official report he expressed the opinion that within five years the bulk of the intelligence of Georgia would be shifted to the negroes. The matter seemed otherwise to a special agent of the American Union Committee, who made a journey through Georgia in 1866. He reported¹¹ that the negroes as a class "appear to be idle, vagrant, thieving and licentious. They congregate about cities in hosts. A great many live on the resources of the Bureau for Refugees and Freedmen, a great many on small short jobs and pilfering, a few on constant, manly labor . . . I found their general idea of freedom to be, naturally enough, idleness and license."

On many plantations operations went ahead with scarcely any interruption.¹² Planters called informal meetings of the

¹⁰ 40 Cong., 3 sess., *House Ex. Docs.*, 3, pt. I, No. I, p. 75.

¹¹ *DeBow's Review*, May, 1866.

¹² Leigh, Francis Butler, *Ten Years on a Georgia Plantation Since the War* (London, 1883), pp. 14 and 21. "The negroes seem perfectly happy at getting back to the old place and having us there, and I have been deeply touched by many instances of devotion on their part." *Southern Cultivator*, April, 1866, quotes Macon (Ga.) *Telegraph*: "As a general rule, the freedmen, notwithstanding the absurd reports calculated to deter them from entering into agreements, have gone to work with alacrity to earn a livelihood for themselves and families."

freedmen, explained in simple terms their new condition and offered employment at the current rate of wages to all who desired to remain. After wandering off a short distance simply to assert their freedom, many negroes returned to the familiar surroundings and took up their former labor. Those planters who had been most considerate of their slaves experienced the least trouble in employing them as freedmen. This peaceful readjustment seems to have been common during the period of the Johnson governments, although it was in many cases disturbed by the political troubles accompanying the congressional reconstruction.

On the other hand, there was a large element of the freedmen who did not follow the course just outlined. The widespread belief that the plantations of their former owners would be divided among the ex-slaves at Christmas, 1865, acted as a deterrent to steady industry. The Commissioner of the Freedmen's Bureau found it necessary to send out special instructions to all officers and agents, directing them to do what they could to dispel this delusion.¹³

Vagrancy and lawlessness in the towns increased to such an extent as to threaten the stability of society. The correspondent of *The Nation* wrote from Macon that the presence and conduct of negro troops were responsible for a large part of the disorder.¹⁴ Agricultural operations almost ceased in some sections. Governor Jenkins in his annual message of 1867 attributed the crop failures of the past two years in part to the indisposition of the negroes to work. Some sort of repressive measures were necessary. In 1866 the legislature passed laws intended to check vagrancy. One law dealt with vagrants of age,¹⁵ authorizing imprisonment, upon conviction, for a year,

¹³ 39 Cong., 1 sess., *House Ex. Docs.* no. 70, p. 34.

¹⁴ *The Nation*, Oct. 5, 1865.

¹⁵ Georgia Legislature, *Acts*, 1865-66, p. 234. "All persons wandering or strolling about in idleness, who are able to work and who have no property to support them; all persons leading an idle, immoral or profligate life, who have no property to support them, and are able to work and do not work . . . shall be deemed and considered vagrants, and shall be indicted as such . . . and upon conviction they shall be fined or imprisoned or sentenced to work on the public roads, for not longer than a year, or shall in the discretion of the court, be bound out to some person for a time not longer than one year, upon such valuable con-

or permitting the county court to bind the vagrant to some person for twelve months. At the same time an apprentice act¹⁶ was passed, providing for the binding out until the age of twenty-one of negro minors whose parents were unable to support them. The master was bound to teach the apprentice some useful occupation, furnish him with wholesome food and clothing, teach him habits of industry, honesty, and morality, cause him to be taught to read English, and govern him with humanity, "using only the same degree of force to compel his obedience as a father may use with his minor children."

No one with any knowledge of negro characteristics can now question the wisdom of such acts, but in the inflamed condition of public opinion in 1866, the laws were widely denounced. It is significant that the Freedmen's Bureau itself recognized the necessity of an apprentice act. Bureau agents in all counties were authorized to bind out minors of both sexes until they were of age. Such contracts were legalized by the legislature.¹⁷

Arson, burglary, and horse stealing became so prevalent as to lead the legislature to impose the death penalty for these crimes.¹⁸ Minor offenses, such as carrying weapons, driving overseers from plantations, resenting the exercise of legitimate authority, and general disrespect to employers, were rife.¹⁹ Petty misdemeanors, formerly punished by slave owners, now came before the courts, and it became necessary to reduce the penalty attaching to larceny in order to make the punishment more in accord with the untutored condition of the freedmen. The lessening of the penalty for minor infractions of law, in connection with the heightening of the punishment for arson

sideration as the court may prescribe; the person giving bond in a sum not exceeding three hundred dollars, payable to said court, and conditioned to clothe and feed and provide said convict with medical attendance for and during said time."

¹⁶ *Ibid.*, p. 6.

¹⁷ *Ibid.*, p. 141.

¹⁸ *Ibid.*, p. 232.

¹⁹ 42 Cong., 2 sess., *House Reports of Committees*, "Georgia," I, p. 305. Testimony of Gen. John B. Gordon before the Ku Klux investigating committee.

Leigh, *Ten Years*, p. 131. During the period of the Congressional Reconstruction, the negroes refused to doff their hats to Mrs. Leigh or to employ titles of respect. They loafed about with guns on their shoulders and worked only when it suited their convenience.

and burglary at night, were admirably suited to existing conditions.

The flood of convicts under the new laws was so great that the central penitentiary was speedily overtaxed. In 1869 the leasing of convicts to private individuals and corporations was begun, a system which developed many objectionable features, although vested interests prevented its abolition until 1908.

It is unnecessary to go into details here as to the ill effects of the congressional reconstruction policy. Suffice it to say that the policy of the congressional radicals fostered and encouraged political rather than industrial activity on the part of the blacks, and thus tended to prevent a speedy and satisfactory readjustment of the labor situation.

In comparison with the middle western states and some of the eastern states, the population of Georgia was relatively stable in the years immediately following the War. But it is easy to overemphasize this tendency to stability. The absence of free government land and the prevalence of political and social troubles rendered Georgia unattractive to immigrants. Such population movement as there was confined itself on the one hand, to migration away from the state, and, on the other, to removals of Georgians from North and Middle Georgia to the southwestern part of the state. This latter movement is shown by maps²⁰ constructed to indicate the increase or decrease in population by counties between the censuses of 1860 and 1870. The first map, showing the movement of whites, indicates that the counties of extreme South and Southwest Georgia were receiving the bulk of the population leaving the old slave counties, such as Warren, Hancock, Baldwin, Jones, Elbert, and Meriwether. The map showing the shifting of the negro population reveals striking changes. In forty-one counties there was an absolute loss of negroes. These counties lay in three distinct sections. The first was the mountainous region of extreme North Georgia. There had never been many slaves in this region, as it was unsuited

²⁰ See *App.*, pp. 125, 126.

to agriculture of the sort that made slavery profitable. The freedmen, therefore, migrated to the rich cotton lands further south. The second section was the old cotton belt, in which the lands were worn, the per acre product of cotton low, and consequently wages below the level of the newer regions. The third section that was losing its negro population was the seaboard. There the labor of the slaves had been most arduous on the rice plantations. The negroes refused to do the heavy ditching and banking, and the rice plantations fell into ruins.²¹

Nearly all the counties that received heavy accessions of negroes lay below the fall line of the rivers. This line extends from Richmond County, on the Savannah River, through Baldwin and Bibb Counties, to Muscogee County, on the Chattahoochee. In other words, it was the Piedmont that was losing its population to the coastal plain. The southwestern section is a country of great fertility. It had begun by 1850 to attract planters with their slaves. In that year only two of the counties contained black majorities. By 1860 negroes outnumbered whites in eleven counties. Each succeeding census period has found the proportion of blacks to whites larger in this section.

Three counties in the eastern part of this coastal plain, Pierce, Appling, and Ware, show heavy increases of negroes. These counties were being filled by negroes moving from the coast.²²

Another noteworthy fact shown by the map is that the cities of Georgia attracted many negroes during the decade. Fulton County, in which is the city of Atlanta, received an increase of 425 per cent., Bibb County (Macon) 80 per cent., Chatham County (Savannah) 60 per cent., Baldwin County (Milledgeville, the capital) 57 per cent., Richmond County (Augusta) 50 per cent.

The effect of these movements of the black population was a thorough disorganization of labor in the older cotton belt, and, in the cities, the introduction of a disorderly and idle element, for whose control the statutes already mentioned were intended.

²¹ See, *post*, chap. VII.

²² Leigh, *Ten Years*, p. 156.

The available statistics shed no light on the movement of population away from the state. The Censuses of 1860 and 1870 are of little value in this connection. The Census of 1860 gives no information as to the number of Georgia negroes to be found in other states, so that no comparison can be made in the case of the colored race. Fewer Georgia whites are reported in most of the western states in 1870 than in 1860. Only Texas and Florida appear from the Census returns to have received considerable numbers of Georgians during the decade. Defective returns due to political disturbances are doubtless responsible for this state of affairs. Survivors of the time say that the migration westward was marked, and in the notes of tourists one often comes across such statements as this: "There is a constant drain of emigration from the poorer districts of Georgia Hundreds of poor Georgians, unable to make a living from the wornout soil, under the new order of things, fly to Texas."²³

The freedmen, however, were undoubtedly a much less stable element of the population. In 1866 the Comptroller General²⁴ reported that "the returns for the present year show that the state has lost over one hundred thousand producing laborers since 1863," a fact which he attributed to westward migration and increased mortality among the negroes. A report of the United States Department of Agriculture contains the statement that between 1865 and 1868, 139,988 Georgia negroes had moved west.²⁵ "For some time," the report states, "the average number (of negroes) passing through Atlanta has been 1,000 daily." The Freedmen's Bureau agent made note of this migration in the report for 1867.²⁶ In 1867 the average yearly wage paid for farm labor, including rations, was, in Georgia, \$125; in Mississippi, \$149; in Louisiana, \$150; in Arkansas, \$136.²⁷ The negroes were moving, therefore, in response to an economic demand.

²³ King, E., *Great South* (Hartford, 1874), p. 366.

²⁴ Georgia Comptroller General, *Report*, 1866, p. 17.

²⁵ United States Department of Agriculture, *Yearbook*, 1868, p. 573-574.

²⁶ 40 Cong., 2 sess., *House Ex. Docs.*, 1, No. I, p. 675.

²⁷ U. S. Department of Agriculture, *Yearbook*, 1867, p. 416.

CHAPTER II

THE FAILURE OF THE PLANTATION SYSTEM

The ante-bellum "plantation" implied large-scale production of a staple crop by forced labor. The success of the system as a productive enterprise lay in the ability of the plantation manager to organize and direct the labor of slaves, over whose movements he had complete control.

The problem confronting the planter in 1865 was to preserve the maximum degree of control over the laborers consonant with their changed condition. The best chance of securing this control seemed to lie in maintaining in most of its essentials the plantation organization. Of what use was the brawn of the masses of freedmen, utterly ignorant and penniless, if dissociated from the intelligence and skill of their former owners? Let everything proceed as formerly, the contractual relation being substituted for that of master and slave, wages taking the form of money payments instead of consumer's goods, and the laborer's freedom of movement being recognized. With such ideas as these the planters began life anew in 1865. There was no thought of abandoning the direction of labor; all the experience of Georgia cotton producers had taught them that negro laborers would work regularly and efficiently only under the supervision and control of employer or overseer. The plantation was the established form of organization and it was natural that the planters should try to perpetuate it. In 1865, therefore, in a great number of cases all the externals of the former regime were continued: the negroes lived in "quarters", went to the fields at tap of farm bell, worked in gangs under direction, and were rationed from the plantation smokehouse, the charge for food being deducted from the wage. A money wage was usually paid in 1865 and 1866, payment being weekly, monthly, or yearly, according to contract.

Though no definite statement can be made as to the proportion of the planters who attempted to reestablish the plantation system, the evidence indicates that the effort was widespread. Few men now living in Georgia had personal experience in planting in 1865. Only twenty responses were received in reply to a set of questions sent by the writer to men who were farming just after the War.¹ These letters will be referred to as "Inquiries I." Fourteen of the twenty correspondents stated that they attempted in 1865 to continue the plantation system. Exceptions will be noted in a subsequent chapter. The literature of the time abounds in references to attempts to revive the old order.²

The high price of cotton in 1865 and 1866 (43.5 cents in 1865; 31.6 in 1866), was a mighty stimulus to cotton production. Every planter who could assemble a force of laborers went feverishly to work. The result of the operations of 1865 was a bitter disappointment. In spite of the abnormal price of the staple, heavy losses were sustained. The leading southern agricultural journal of the time was *The Southern Cultivator*, published at Athens, Georgia. The issues from 1865 to 1870 are full of letters, communicated articles, and editorials bearing on agricultural conditions. As early as the issue of July, 1865, the wages-plantation system came under fire. It was impossible to get cash to pay wages, for money was simply non-existent in Georgia.³ The wages fixed by the Freedmen's Bureau were unreasonably high.⁴ The labor was worthless in the absence of power to compel

¹ Names of responsible planters were obtained from officials of the Farmers' Union of Georgia, from the editor of the principal agricultural journal of the state, from the agricultural college, and from various individuals. Seventy-five sets of questions were sent out. A number were returned with the statement that the addressee was dead.

² Leigh, *Ten Years*, p. 56. U. S. Department of Agriculture, *Report*, 1867, p. 419. Letter of B. F. Ward. *Report of the Industrial Commission*, 1900, X, p. 448. Testimony of R. J. Redding, former director of the Georgia Experiment Station. Barrow, David C., in *Scribner's Magazine*, April, 1881.

³ *Southern Cultivator*, July, 1865, editorial.

⁴ *Ibid.*, "A man would be absolutely demented to contract with negro labor at any such prices or conditions. . . . When white men, for the time being, are absolutely offering to work for their food alone, and bring to their work not only muscle, but honesty and intelligence, the idea of binding oneself, with no money on hand—with no prospect of getting it in October—and a very dim one of obtaining it at all, to pay negroes these monthly rates, over and above the amount they steal, and, in addition to provide not only food, quarters and fuel, but an indefinite amount of medical attendance—an item no sane man would contract to furnish—and moreover to make no deduction for absence on account of sickness or bad weather, is most perfectly absurd."

attention to duty. The negro saw no reason why he should not stop work to go fishing; he was willing to sacrifice his wages and was unconcerned about the state of the crop.⁵ The following letter is reproduced as typical of the difficulties experienced in the transitional period by the operator of a plantation:⁶

"Hurricane Plantation, July 31, 1865.

"Accordin to promis I write you to inform you how the negrows or freedmen air getting on. tha dont doo as well as tha did a few weeks back. your proposition to hier them has no effect on them at all. tha say and contend that onley three of them agreed to stay that was the three that spoke Sam, Alleck and Johnson. the rest claim tha made no agreement whatever and you had as well sing Sams to a ded horse as to tri to instruct a fool negrow. Some of them go out to work verry well others stay at thier houseses untell an hour by sun others go to thlier houseses an stay two an three days. Say ennything to them the reply is I am sick but tha air drying fruit all the time tha take all day evry Satturday without my lief I gave orders last Satturday morning for them to go to work when tha got the order eight went out I ordered tom to go to mill he said he would not doo so. tha air stealing the green corn verry rapped som of them go when tha pleas and wher tha pleas an pay no attention to your orders or mine the commandant of post at milledgeville sent Walker back under Gen Wilson order I explained the matter to him but he would send him back unless you had paid him for his work up to the time you ordered him off I told Walker ef he came back he would not get a cent for his work not even his clothes nor those [sic] he cam back in the face of all the orders had ben given him. I drove him off the Secont time after you left before I recieved a written order to take him back I then went down an saw the officer in command and explained the hole matter to him but he said he could not allow him driven off without violating Gen Wilsons order an he was compeld to carry them out as such the matter stands as bove stated it would be best for you to visit the plantation soon or write a verry positive letter to be read to them requiering them to work or leave though I think I will get Som of them by not feeding them which proses is now going on though tha is rather two mutch fruit and green corn to have a good effect. I send Alleck up with wagon an mule pleas write back by Alleck I am sick at this time I have had fevor for three days no other matters of importance at present

(Signed) J. D. COLLINS."

⁵ *Ibid*, December, 1865.

⁶ This letter was written to General Howell Cobb by the overseer of one of his plantations. The original is in the possession of Mrs. A. S. Erwin (a daughter of General Cobb), of Athens, Ga. Copy was furnished by Professor U. B. Phillips, of the University of Michigan, who is now editing the Cobb letters.

The charge of unreliability was made against the negroes in practically every issue of the *Cultivator*; if paid on Saturday, they were as likely to be absent as present on Monday.⁷

After the experience of 1865, the editor of the *Cultivator* suggested the substitution of the share system, hoping that the planters might in this way enlist the self-interest of the negroes in the farming and thus check their roving proclivities. There was no suggestion that this change would in any way impair the owner's control over the labor. Thus, while advocating the share arrangement, the editor said: "There is little hope that this or any other plan will succeed, under any other oversight than the planter's own eye."⁸

It seems that in 1866, on the whole, the negroes improved as laborers.⁹ The Freedmen's Bureau was exercising pressure on them, and they had by that time learned that the expected division of lands would not take place. Planters continued to operate the plantation system, though still with discouraging results. General Howell Cobb wrote the following letter from his "Dominie" plantation, on which one Nathan Barwick was overseer.¹⁰ This plantation was in Sumter County, Southwest Georgia, where labor conditions were supposedly better than elsewhere in the State.

"December —, 1866.

"I find a worse state of things with the negroes than I expected, and am unable even now to say what we shall be able to do. From Nathan Barwick's place every negro has left. There is not one to feed the stock, and on the other places none have contracted as yet. I shall stay here until I see what can be done. By Tuesday we shall probably know what they will do. At all events I shall then look out for other negroes.

⁷ *Southern Cultivator*, July, 1866. Letter from Greene County, in central Georgia, describing experiences of 1865. The farmer began work with fifteen negroes: one by one they wandered off, until finally in 1866 there were on the place "one woman and two children large enough for light field service. The rest have gone, and may they never return, for while the productive capacities of the farm are greatly diminished, it is at the same time divested of a lawless gang, that by its insolence, its disposition to appropriate to its own use our poultry, our stock, and the remainder of last year's corn and potatoes . . . has lain like a huge incubus on the minds of those having the care of the farm."

⁸ *Ibid*, December, 1865.

⁹ *Ibid*, April, 1866, quoted *Macon Telegraph* to the effect that the negroes in that section had gone to work with alacrity, and that those farmers who had adopted the share arrangement were the more successful. Similar letters in this issue from Schley County and Columbia County.

¹⁰ Copy lent by Professor Phillips.

I intend to send Nathan Barwick to Baldwin [County] on Wednesday to see what hands can be got there, with the assistance of Wilkerson. I am offering them even better terms than I gave them last year, to-wit, one-third of the cotton and corn crop, and they feed and clothe themselves, but nothing satisfies them. Grant them one thing, and they demand something more, and there is no telling where they would stop. The truth is, I am thoroughly disgusted with free negro labor, and am determined that the next year shall close my planting operations with them. There is no feeling of gratitude in their nature. Let any man offer them some little thing of no real benefit to them, but which looks like a little more freedom, and they catch at it with avidity, and would sacrifice their best friend without hesitation and without regret. That miserable creature Wilkes Flag sent old Ellick down to get the negroes from Nathan Barwick's place. Old Ellick staid out in the woods and sent for the negroes and they were bargaining with him in the night and telling Barwick in the day that they were going to stay with him. The moment they got their money, they started for the railroad. This is but one instance, but it is the history of all of them. Among the number was Anderson, son of Sye and Sentry, whom I am supporting at the Hurricane."

This letter is interesting and important, coming from a planter who was attempting to operate several plantations, widely separated, with resident overseers on each; he was suffering from the great competition among employers for labor; he was becoming disgusted and resolving to abandon planting; and he was supporting ex-slaves too old for work. This competition for laborers was one of the most important reasons of the great changes in the system of farming, subsequently to be described. The movements of the negroes became more general in 1866, and the conviction was growing that a new system must be inaugurated.¹¹

The year 1867 found better conditions in some sections, worse in others. In many counties the negroes came under the influence of carpetbag reconstruction; idleness and thievery increased in the towns and cities; migration continued to be the chief complaint. So pronounced became the scarcity of laborers in Middle

¹¹ *Southern Cultivator*, April, 1866, letter from Schley County: "It is evident that an entirely new system of farming (not planting) must be inaugurated in the South." From Columbia County: "I believe, therefore, that there are two duties devolving upon agricultural journals. First, to urge upon farmers the necessity of adopting some plan of cultivation that will dispense with the services of freedmen as far as possible."

Georgia¹² that radical changes in agricultural organization were suggested and carried out. Large plantations in that region lay idle for want of laborers.¹³ The planters were confronted with the alternative of totally abandoning their plantations or of taking laborers on their own terms. Some planters under this pressure rented their lands outright to negroes. The editor of the *Cultivator* came out frankly in the November, 1867, issue with the statement that "Under the present state of affairs, experience of the past two seasons has demonstrated that plantations on an extended scale, with free labor, cannot be made profitable. The first change that must occur, and which will eventually prove beneficial, is the subdivision of landed estates." Certain recommendations constantly recur in communications from leading agriculturists of the state, namely, contraction in amount of land used, more intensive culture, manuring, and use of improved implements and commercial fertilizers. The dominant idea underlying these suggestions was the economizing of labor.¹⁴

Opinion was rapidly shifting by 1868 in favor of abandoning the old system. Letters still appeared in the *Cultivator* advocating the plantation arrangement, but letters of opposite tendency were more numerous. In January, 1868, a long and interesting communication appeared under the caption "The Question of Labor," unsigned, but by a Middle Georgia planter. He advised the retention of the plantation system, maintaining that the trouble in the past two years had arisen from the excessively

¹² This is the region from which the greatest exodus of negroes occurred. See map, *post*, p. 126.

¹³ *Southern Cultivator*, March, 1867. Letter from Warren County: "We begin to feel the want of laborers in this county, some of our best planters are selling off their stock, not being able to get freedmen to work their land, it is not because they are leaving the county, they are here, we worked in this county a great many large plantations now lying idle in a great measure. I heard of one man renting 2,000 acres to freedmen, and a great many others more or less, whether it is good policy or not, is the question, it has a tendency to keep them with us. But they will almost starve and go naked before they will work for a white man, if they can get a patch of ground to live on, and get from under his control."

¹⁴ *Ibid*, November, 1867. Letter from Floyd County: "We cannot expect to make better crops, and improve our lands, and economize labor, unless we get improved implements to cultivate with, and manure to apply to our lands." Another correspondent wrote: "Negro labor is scarce and unreliable, and we must use such tools as will do the most work. I have bought this year two cultivators, a combined reaper and mower, a patent cider press, etc."

high wages and the unreliability and instability of labor. The correspondent stated that planters who had employed negroes in 1867 at from \$150 to \$200 per annum would not want them in 1868 at half that price, cotton having taken a decided tumble. He ended with a plea that all pull together and regulate wages. In his opinion in Middle Georgia good men were worth \$6 per month and board, in Southwest Georgia, \$8 and board. "Don't go out to look up hands by any means. Let them hunt homes and they will not be so arrogant and self-inflated. Dictate your own terms to them . . . Let a certain price rule the land throughout." Other planters expressed views diametrically opposed to these. For instance, the May, 1868, *Cultivator* prints the following: "I am satisfied from my experience and close observation for the past two years, there is but one correct mode of working our present labor (which I think is the best in the world), and it is simply this. Let each family work by itself, in separate fields or farms. This is much easier and I think far better than the old plantation style of working all together." On the seacoast matters were in a desperate condition.¹⁵

The supply of negroes available as wage hands was even less adequate in 1869 than during the preceding year. The West was still drawing away many negroes. But by this time a new complaint became general, namely, that planters were renting their lands to negroes. It is to be carefully noted that migration and renting had exactly the same effect on the planter who was trying to maintain the plantation system. The presence of large numbers of renters indicated that many planters had given up the struggle and abandoned their holdings to negro renters. The case was excellently put by a Burke County planter:¹⁶

¹⁵ Leigh, *Ten Years*, pp. 128-129. "Everywhere sullenness and unwillingness to work is visible [in 1868], and all around us people are discussing how to get other labourers in the place of negroes. But alas! on the rice lands white labour is impossible, so that I really don't know what we shall do, and I think things look very gloomy for the planters. Our Northern neighbours on St. Simon's, the D——s, who were most hopeful last year, are now perfectly discouraged with the difficulties they have to encounter with their labour, and of course having to lose two or three months every year while the negroes are making up their minds whether they will work or not, obliges us to plant much less ground than we should otherwise do."

¹⁶ *Southern Cultivator*, February, 1869.

"We had more laborers in this neighborhood for 1868 than we had for 1869, and no one knows where it [*sic*] has gone. A partial explanation is to be found in the fact, that some of the landowners have rented lands to negroes, to farm upon their own responsibility. This is certainly ruinous to the general interest. Those who rent their lands to negroes, never realize any profit, and the negroes never make a support, hence, they steal all the stock within reach—have all the loafing vagabonds in the community around them. *It takes an immense quantity of labor from under the direction of the skillful farmer*, and where four bales of cotton were formerly made to the hand, not one will be made the present year by the negroes, who are working on rented lands."

The significant words have been italicized; it was the escape from skillful direction that was unfortunate from the standpoint of production and conservation.

The supply of labor was said to be steadily diminishing this year also in Southwest Georgia.¹⁷ Of course, the constantly increasing tendency of negro women to withdraw from field work accentuated the scarcity of labor.

Clearly, the plantation system was tottering in 1869, in large measure on account of the inability of planters to secure the necessary labor. Had the blacks been willing to work as hired day laborers, it is probable that the plantation would have been widely preserved, for those planters who were efficient managers and were able to find laborers succeeded in maintaining themselves under the new conditions. There were more of such cases than has been supposed. The most active and determined planters, with ranks recruited from the former overseer class, continued very much on the former lines. Indeed, there has never been a time up to the present when excellently ordered and successful plantations have not existed in the black belt counties. Only the most vigorous men succeed in the planter's rôle. A convention, presumably of such men, held in Atlanta in 1869, was unanimously of the opinion that the old system was the best.¹⁸ Nordhoff, in 1875, observed¹⁹ that the best planters in Georgia preferred the wage system. But the conditions of success were

¹⁷ *Ibid.* Article copied from Cuthbert Appeal [Randolph County].

¹⁸ Milledgeville [Ga.] *Southern Recorder*, February 9, 1869.

¹⁹ Nordhoff, Charles, *Cotton States in the Spring and Summer of 1875* (New York, 1876), p. 107.

hard—too exacting for the general run of the ante-bellum type of planter. Even where laborers were to be had, the task of supervising their efforts was one requiring almost superhuman endurance and talents of a high order. A Baldwin County (Middle Georgia) overseer writes thus of his methods:²⁰

"I am in my seventy-eighth year . . . I am now attending to the business part of a farm for another man . . . I have 21 hands all told . . . I get up at three o'clock, make my own fire, having the wood at hand, sit by it and think over my day's business, come to my conclusions, ring the bell twenty minutes before day, for all hands to rise, the women go to cooking for breakfast and dinner, get off to work before sunrise, every set of hands have their work for the day told them. I have quite early breakfast, saddle and mount my little mule and am with the hands or going from one set to another until the middle of the day, come home, get dinner and go off again frequently in less than an hour."

It was a hard matter to find men like this who were willing to work as overseers. With such capacity for work, and plenty of land to be had at nominal prices, they quickly set up for themselves. The fathers of some prominent citizens of Georgia today were once overseers on slave plantations. The reward awaiting their skill and industry was great and they seized the opportunity. Those planters who were less proficient in the art of managing negroes, whose methods were slack and who did not stay constantly on the plantation, were forced out of the business.

It should be evident from the foregoing that in trying to maintain the system of large scale production with closely supervised labor, the planters, as a class, were fighting against economic and social forces much too powerful for them to overcome. The first in importance of these forces was the repugnance of the negroes to supervision and their determination to escape from it, coupled with an abundance of very cheap land to which they might resort as tenants. Secondly, the negroes largely controlled the situation in Georgia by virtue of the urgent demand for cotton-producing labor, intensified by the call of the western cotton belt for labor from the East. In the third place, the maintenance of a wage system necessitated the use of considerable sums of cash, and few planters could obtain ready money.

²⁰ *Southern Cultivator*, April, 1866.

To meet this difficulty, lien laws were enacted, by which supplies could be obtained from merchants on the execution of a lien on the coming crop. These laws were at first intended to permit only planters to give crop liens, but subsequent modifications extended the privilege to tenants, so that the lien laws facilitated the escape of the negroes from the supervision of the landlord, though substituting a more exacting master, the merchant. These considerations require further elaboration.

It was natural that the negro should desire to control his own movements. His crude conception of freedom was summed up in his release from physical restraint. Rarely beyond the confines of the plantation as a slave, now that he was at liberty to travel, the desire to wander was irresistible. Of course, the plantation system of free hired labor meant almost as much restriction as did slavery. If the negro expected to receive a daily or weekly wage, he had to work every day and work as directed. From daylight to dark was the universal rule on cotton plantations. Where no alternative of working for a share or of renting presented itself, the freedman attempted to preserve his liberty of movement by refusing to hire for a year. He greatly preferred to contract for a week or a month, and in many cases would not contract for more than two days in the week.²¹ The presence of the overseer became extremely irksome to the negroes, even where the control was very liberal.²²

There was, however, no reason why the negroes should remain in the status of wage laborers. They were in a position to make terms for themselves. Each year after 1865 found the planters more and more convinced that they would be unable to preserve the plantation organization. In order to keep the negroes from abandoning the older cotton belt in Georgia for the fertile West or the new Southwest corner of Georgia, it was necessary that wages should be fixed to meet the opportunity element which the negro demanded, or retain him by changing his status to that of tenant, or quasi-tenant. That the difference in the wage offered in Georgia and other cotton states was material is seen from the following table:

²¹ U. S. Department of Agriculture, *Yearbook*, 1866, p. 573.

²² Barrow, in *Scribner's Magazine*, April, 1881.

Comparative Wages in Southern States ²³

	1867	1868
North Carolina	\$104	\$89
South Carolina	100	93
Georgia	125	83
Florida	139	97
Alabama	117	87
Mississippi	149	90
Louisiana	150	104
Texas	139	130
Arkansas	158	115
Tennessee	136	109

These figures represent the yearly wage in addition to food. It will be noted that in Georgia the break between 1867 and 1868 was sharper than in any other state, a fact which had immediate effect on the labor situation in Georgia.

It is not to be supposed that the horde of ex-slaves would of themselves have responded to such a fluctuation in the rate of wages. External pressure of the most effective sort was supplied. Planters from the West came in numbers, hired gangs of negroes, furnished transportation and took them away from Georgia.²⁴ The Freedmen's Bureau was most active in this connection. It became a vast intelligence office, supplying planters from all over the South with information as to sources of labor. Through the exertions of the various Commissioners of the Bureau, thousands of negroes were moved from Middle Georgia. Very often the government paid transportation expenses. In 1866 the Assistant Commissioner for Georgia reported²⁵ that he was "overwhelmed by applications for laborers," and that "the demand for labor and the price paid for it are increasing every day." Bureau agents, scattered over Georgia, kept in correspondence with General Tillson, head of the Bureau in Georgia, and the shifting of laborers in response to the economic demand became a regular feature of bureau activity. For instance, the agent in Southwest Georgia wrote to General Tillson in January, 1866, that there was a great de-

²³ U. S. Department of Agriculture, *Yearbook*, 1876, pp. 130-131.

²⁴ Trowbridge, J. T., *The South*, 1866, p. 460. "Every day anxious planters from the great valley were to be met with [in Georgia], inquiring for unemployed freedmen or returning home with colonies of laborers."

²⁵ 39 Cong., 1 sess., *Sen. Ex. Docs.*, 2, no. 27, pp. 88-89.

mand for labor in Baker County and asked that four or five hundred hands be sent. Three to five hundred, he said, were also needed in Dougherty County. "I have engaged two Plantations for your Wilkes County [Middle Georgia] freedmen, are they coming?"²⁶

By way of digression, it may be said that but for the interference of the Bureau, the negroes would have been at the mercy of their employers. Exercising under the Federal Law complete supervision over the contractual relations between the races, the officials required that contracts should be in writing and should not be considered binding unless approved by the Bureau. As the officials refused to approve contracts in which the rate of wages was lower than they thought fair, a general rise in wages followed. General Tillson reported that his supervision had increased wages from between two and seven to between ten and fifteen dollars per month.²⁷ A typical ease of such interference was related by General Tillson to Mr. Trowbridge.²⁸ An Oglethorpe County planter had contracted with laborers at \$75 to \$100, with food and house, per year. The contract was set aside by the assistant commissioner on the ground that the planter could afford to pay \$144, food, and house. The question was argued at length between the two and finally the commissioner requested the planter to make an estimate of the result should he pay \$144 per laborer. The planter submitted the following:

"Good hands will make 2 bales (of cotton).....	\$300.00
85 bu. of corn.....	85.00
	<hr/>
	\$385.00

Expenses.

3 lbs. Bacon per week at 60c, 1 peck meal per week,	
at 25c	\$44.20
Rent of cabin.....	10.00
Fuel	25.00
Wages	144.00
	<hr/>
	\$223.20
	<hr/>
Net profit per man.....	\$161.80

²⁶ *Ibid.*, pp. 89-90.

²⁷ *Ibid.*

²⁸ Trowbridge, *South*, p. 492.

In the unsettled condition of labor, it became a common thing for negroes who had contracted with one planter to be enticed away by promises of higher pay elsewhere.²⁹ It was a matter more of chagrin than of surprise if one's entire plantation force disappeared over night. The negroes were entirely devoid of any conception of the binding nature of a contract, and the conduct of the whites in inducing them to break contracts quite naturally did not tend to enlighten them. Of course, legal action against the freedman was useless. The Bureau attempted to stop the practice of enticing laborers by imposing fines. A Macon County planter was fined \$150 for enticing hands in 1865.³⁰ In 1866 the legislature³¹ made it a misdemeanor to entice another's servant, and it is interesting to note that a law to this effect has been of force ever since.³² Under the act of 1866 an important case arose in Lee County, Southwest Georgia, in which a verdict of \$5,000 was returned for enticing away thirteen laborers in 1868.³³

The extremes to which Georgians were sometimes put in order to retain laborers is indicated in the following letter written by a Mississippi planter to Trowbridge:³⁴

"I determined to go to Georgia for the purpose of obtaining the requisite number of hands. I succeeded tolerably well, and could have hired many more than I needed had not the people induced the negroes to believe that we were taking them to Cuba to sell them. I award the palm to the Georgians as the meanest and most despicable class of people it was ever my misfortune to meet."

The scarcity of labor has been canvassed at such length in order to emphasize the fundamentally important fact in the history of the changes that were to come, namely, the negroes' control over the situation. In the dilemma between abandoning farming or hiring negroes on their own terms, many planters chose the former alternative. Their idle plantations, available for the renter, only made it the more difficult for those not dis-

²⁹ 42 Cong., 2 sess., *House Reports of Committees*, "Georgia," 2, p. 758. Testimony of B. H. Hill before Ku Klux Committee.

³⁰ Trowbridge, *South*, p. 465.

³¹ Legislature of Georgia, *Acts*, 1866, pp. 153-154.

³² *Ibid.*, 1873, p. 20, 1882-83, p. 58, 1901, p. 63.

³³ Milledgeville (Ga.) *Southern Recorder*, April 23, 1872. Case of West v. Lee.

³⁴ Trowbridge, *South*, p. 498.

posed to give up, to hire wage hands. Those planters who desired to continue farming were forced to modify the system to suit the wishes of the negroes. The material fall in wages in 1868 in response to the break in cotton prices³⁵ doubtless had its effect in increasing the negro's desire to escape from the old system. Not understanding the economic causes which fixed wages, and seeing the cotton still being produced, he was of the opinion that he was being defrauded.

The luxury of having their erstwhile owners compete for their services did not make for the economic efficiency of the negroes. General Tillson, a staunch friend of the blacks, was quoted³⁶ in 1865 as saying that he was satisfied the negroes were not generally doing more than about half the work they might. Dissatisfaction at their predicament of having to pay very high wages for very poor labor led planters to experiment with white laborers from Europe and the North. Irishmen were used on the coast to do banking and ditching on the rice plantations, work which the negroes refused longer to do.³⁷ In 1873 the Leighs imported English laborers, but they were a failure.³⁸ The effort to secure labor other than the negro was in line with the experience of other southern states. Coolie labor was favored in Mississippi and Louisiana. The press of the period was full of agitation over the subject of immigration. But the demand was from the planter class for laborers: one rarely sees in the literature of the time inducements held out to foreign or northern farmers. Small tracts of land on easy terms were not often the subject of editorials and communications. It was always the scarcity of wage labor that was stressed. Naturally enough,

³⁵ The average price of cotton for the years 1865 to 1870, inclusive, is given as follows in Hammond, M. B., *Cotton Industry*, in American Economic Association, *Publications*, New Series, No. 1, 1897, app.

1865	83.38c
1866	43.20
1867	31.59
1868	24.85
1869	29.01
1870	23.98

³⁶ Andrews, *South*, pp. 359-360.

³⁷ Leigh, *Ten Years*, p. 128. Phillips, U. B., in Documentary History of American Industrial Society, (Cleveland, 1910) *Plantation and Frontier*, II, pp. 181-182.

³⁸ Leigh, *Ten Years*, pp. 204-206.

the effort to attract immigration on these terms was a dismal failure. It could hardly have been otherwise, when in the West the government was offering quarter sections of virgin land free to the actual settler, in a region where social conditions were much more favorable.

An intelligent non-southern contemporary observer of the conditions prevailing in the South at that time, said in effect that in the settlement of the relations between the white employers and negroes, negroes had whites at a great disadvantage. The demand for labor, emigration of negroes, absence of white labor, the possibility of the negro's living for practically nothing, a foolish lien law, all worked for the negro.³⁹

Probably no phase of southern post-bellum agriculture has attracted more attention than the credit system which has grown up around the lien laws. The history and effects of the system over the South at large and in Georgia in particular have already received monographic treatment.⁴⁰ So early as December 15, 1866, the Legislature passed an Act⁴¹ permitting landlords to have by special contract in writing "a lien upon the crops of their tenants for such stock, farming utensils, and provisions, furnished such tenants, for the purpose of making their crops," and providing that "factors and merchants shall have a lien upon the growing crops of farmers for provisions furnished and commercial manures furnished." The word "farmer" here was not intended to include tenant farmers. In January, 1873, the law⁴² was extended so as to enable merchants to take crop liens from tenants also, but the following year the law⁴³ was again changed so as expressly to deprive merchants of the right to take crop liens from any but the landlord. The next year, however, the legislation against merchants taking liens from tenants was rendered practically null by an act⁴⁴ permitting landlords to assign

³⁹ Trowbridge, *South*, p. 465.

⁴⁰ Hammond, M. B., *op. cit.*, chap. V. Banks, M. M., *Economics of Land Tenure in Georgia* (New York, 1905), chap. III.

⁴¹ Legislature of Georgia, *Acts*, 1866, p. 141.

⁴² *Ibid*, 1873, p. 43.

⁴³ *Ibid*, 1874, p. 18.

⁴⁴ *Ibid*, 1875, p. 20. Banks was in error in supposing (*Economics of Land Tenure in Georgia*, pp. 47-48) that the Act of Oct. 17, 1891 (*Acts*, 1890-91, I, pp. 72-73) introduced an innovation by declaring in par. 2 "whenever said liens

their liens for supplies, and providing that such assigned liens might be enforced by the assignees in the manner provided for their enforcement by landlords.

These rapid changes in the law indicate a conflict between the planters and the merchants. Planters desired the exclusive right to take liens for supplies from tenants, because they could in this way regulate the expenditures of tenants, and would be justified in exercising supervision over their work in order to protect themselves from loss. Merchants desired to deal directly with tenants because they were easy prey and would buy everything in sight as long as the merchant would extend credit. Tenants preferred to deal directly with the merchants because it increased their sense of importance and enabled them to escape from supervision on the part of the landlord. The Act of 1875 may be regarded as a compromise measure, enabling those planters who were firm enough and sufficiently strong financially, to retain control over their tenants in the matter of supplies; and, on the other hand, legalizing the transfer of the supply lien in cases where the planters desired to escape from the bother of managing the negroes and were willing to abandon the whole business to the merchant.

Here again the difficulties of the planter desiring to preserve his organization were increased. In most cases where the landlord assigned his lien for supplies, thus practically abandoning control over his place, he moved to town and became an "absentee." Negroes at once began to abandon the well-regulated plantations in favor of the merchant-controlled absentee places. The result is simply and adequately stated in one of the letters in "*Inquiries I*:"⁴⁵ "Non-resident land holders rented their land,

[for supplies] may be created by special contract in writing, as now provided by law, the same shall be assignable by the landlord, and may be enforced by the assignees in the manner provided for the enforcement of such liens by landlords." This provision was introduced in 1875 (*Acts*, 1875, p. 20), and is given as existing law in *Irwin's Code*, 1882, sec. 1978, 2, p. 473. No statute between 1882 and 1891 repealed this provision. The Act of 1891, which Banks thought introduced the new principle, was intended to amend Code sec. 1978 (Code of 1882) in another particular, and after the amending words were introduced, the revised section was reprinted in full in the Acts of 1891. There were seven paragraphs in this Code section, and only one of them was amended in 1891. The others remained identically the same, among them the one permitting the assignment of liens for supplies.

⁴⁵ *Inquiries I*, letter from Putnam County.

forcing those who resided on farm to adopt the rental system or no labor could be procured.”

While the subsequent effects of the lien laws were bad, it cannot be doubted that, at the time they were enacted, they were a boon to the farmers. Only the small minority of planters could borrow money from banks. The masses of cotton producers had no basis of credit except land, which was not a favored form of security with banks. Furthermore, in most cases the loan desired was small and credit for a year's time was needed,—additional reasons why banking of the sort that then existed was of little help. The lien law provided a basis of credit in an emergency when no other relief was practicable. Had the conditions been favorable, the introduction of a cooperative agricultural credit system would have been the salvation of the farming class.

The small town merchant now became a factor in the farming situation. The great cotton factors of the cities were ruined, and the country bank took over the business of supplying the merchants with money. In the early spring, the farmers would call on the merchant, arrange for credit, execute a crop lien, sometimes with the additional security of a real estate or chattel mortgage. He would then procure supplies of tools, clothing, food-stuffs, and commercial fertilizers from time to time as occasion required, and settle the account from the proceeds of his crop at the end of the year.

The lien laws greatly facilitated the transformation of the agricultural system. Two developments took place, both of which involved widespread abandonment of the wage system. One of these changes was the introduction of the share system. The majority of the planters refused to assign their liens for supplies to merchants. They got supplies directly from the merchants and used them to furnish their laborers with their minimum of subsistence, deferring a final settlement to the end of the year, when each individual laborer was paid the value of the cotton raised on the small farm allotted to him, less the cost of his keep. Both planter and laborer were willing to give up the money payments, the planter alarmed at the fall in the price of cotton, and the negro at the sharp drop in wages. Under this share arrangement, subsequently to be described at length, the planter did not

by any means give up his right of supervision, but his control was weakened, for when the negro was received into what was virtually a partnership, he was able to assert himself to a greater degree than as a day laborer. Whatever loss from the point of view of production might have been entailed by this change was at least partly offset by the greater stability given to the labor, since the negroes necessarily remained on one farm for at least one year.

The share system may be called "quasi-tenancy," since under it the landlord retains a large measure of control over the labor. The second development was the introduction of real tenancy, or renting. In cases where the landlord would assign his lien for supplies, the tenants received their supplies directly from the merchant, and remained under no control whatever, their only connection with the landlord being the obligation to pay a fixed amount of rent, either in cash or in cotton. Under this renting arrangement, it was necessary that the tenant have sufficient capital to buy stock and tools, or be able to induce some one to "set him up." Those negroes who could do neither of these things became share tenants.

Yet another consequence followed the lien laws. The land-poor planters in many, many cases were willing to sell land at nominal prices to their ex-slaves or to white purchasers of the former non-slaveholding class. The sales were commonly on the basis of deferred payments. The lien laws enabled these new proprietors to stock their farms and operate on credit, with a good chance in prosperous times of paying off the incumbrances on their lands. Negroes in Georgia, in 1874, owned 338,769 acres of land,⁴⁶ most of which was doubtless acquired in the above fashion.

But many planters and small farmers were ruined by the lien laws. Exorbitant credit-prices were charged, and a bad crop would prevent the farmer from paying his account, which had to be carried over, with interest, to the following year. A succession of unfavorable seasons, a failure of the labor supply, or bad management, soon involved many hopelessly in debt. Wholesale

⁴⁶ Du Bois, W. E. B., *Negro Landowner of Georgia*, in U. S. Department of Labor, *Bulletin* no. 35, July, 1901, p. 665.

executions of mortgages followed (mortgages on real estate were commonly given as additional security), and landed estates passed into the hands of the town merchants.⁴⁷ These merchants combined the supply business with farming on the negro tenant plan, looking to the mercantile feature of the relationship for most of their profit. This system became widespread, and almost prostrated agriculture in the black belt.

⁴⁷ Banks, *op. cit.*, pp. 49-50.

CHAPTER III

DECADENCE OF PLANTATIONS: BEGINNINGS OF
SMALL PROPRIETORSHIPS AND OF TENANCY

The forces which led to the fall of the ante-bellum plantation system having been discussed in the last chapter, an attempt will now be made to bring together from various sources information bearing on the actual process of the disintegration of the plantations, and the subsequent development of small ownerships, both among whites and blacks. In the latter part of this chapter the rise of the share system and the beginning of independent renting will be treated.

As has already been pointed out, scarcity of laborers willing to work for wages was one of the controlling factors in the failure of the plantation regime. This dearth of labor was due partly to migration, but also to the fact that there was an abundance of cheap land which former day laborers might acquire either as owners or renters.

There was no public land in Georgia in 1865. The last land of this character had been distributed to citizens on the expulsion of the Cherokee Indians in the thirties. This is a fact of some importance, as the existence of free public lands in Alabama, Mississippi, Louisiana, and Arkansas attracted many of the more energetic Georgians; while the demand for labor at higher prices in the West was drawing off thousands of negro laborers.

But of private land for sale there was plenty. Of the total acreage of the state, 37,700,000, only 23,647,941 acres were reported in 1870¹ as being in farms, or 62.7 per cent., and only 18.1

¹ United States Census, 1870, *Industry and Wealth*, p. 120.

per cent. of the total acreage was classed as improved. That large section of south central and southeast Georgia known as the "Wiregrass country" had formerly been regarded as unsuited to agriculture, but the great demand for cotton, coincident with a remarkable development in the use of commercial fertilizers, brought this region into cultivation in the years following the war. Not only was this huge supply of land opened up, but there were also available many thousands of acres of improved lands in the older sections, now coming on the market with the breakup of plantations. A further supply of land was the "old field" or formerly cultivated land, abandoned in the exploitative processes characteristic of the ante-bellum period.²

One of the newspapers of the black belt in the years 1865 to 1872 was full of advertisements of land for sale. One issue in 1866³ contained sixty-eight separate advertisements of lands for sale, aggregating 23,000 acres. These advertisements were rarely made by individuals or land companies, but generally gave notice of sales by officers of the law. They fall into three classes: sales to effect division of estates between heirs of deceased owners, sheriffs' sales to satisfy tax *fi fas*, and sales to satisfy judgments of creditors. Prices were not given, since sales were to be at public outcry. In running through the files of the newspaper referred to only two instances were found in which the price of lands actually sold was mentioned. In one instance, 400 acres in Appling County were sold at ten cents per acre, and in the other, two entire tracts of 400 acres in Montgomery county and 200 acres in Decatur county were sold for the lump sum of \$2.50.⁴ This land was considered mere waste. Indeed, it was many years before lands in two of these counties, Appling and Montgomery, could be sold at anything above a nominal price.

² *Southern Cultivator*, July, 1865. "We have never taken a railroad trip of fifty miles or more through Georgia or any of the adjoining states without being painfully impressed by the vast quantity of land lying everywhere, waste, unappropriated, and seemingly worthless. A great portion of the soil to which we allude, is known as "old field" or "wornout" land. It has been at one time in cultivation, and is now partially grown up in scrub pine, dwarf oak, broom-sedge, blackberry bushes, persimmon, etc., etc."

³ Milledgeville [Ga.] *Southern Recorder*, Nov. 6, 1866.

⁴ *Ibid*, Jan. 12, 1869.

The Comptroller-General's *Report*⁵ for 1868-69 showed that the 30,816,025 acres returned for taxation were valued on the average at \$2.82 per acre, but as these returns were made by the landowners themselves for purposes of taxation at a time when land taxes were high, they do not afford a trustworthy basis for a correct estimate as to land values.

Reliable data as to prices are, in fact, extremely scarce. In the general depression at the close of the war, the feeling was that values were low. One often meets such statements as this: "Before the War lands in Middle Georgia averaged perhaps ten dollars per acre, but now would not command half that price."⁶ Similarly, lands in Southwest Georgia before the War were said to have ranged in price from twenty to thirty dollars, while after 1865 not more than five dollars could be realized on them. On the other hand, one would naturally expect that during the period of extraordinarily high prices of cotton, lands would be held at a high figure. The New York *Herald* was quoted⁷ in 1869 to the effect that cotton land in Georgia had increased from fifty to three hundred per cent. in price since 1865, on account of the sudden revival of the cotton industry, and the most detailed information available tends, in a measure, to bear out this assertion. The United States Treasury Department published, in 1872, for the guidance of immigrants, a handbook⁸ con-

⁵ Georgia Comptroller General, *Report*, 1868-69, Table C.

⁶ U. S. Department of Agriculture, *Yearbook*, 1866, pp. 570, 572.

⁷ *Southern Recorder*, March 2, 1869.

⁸ Young, Edward, Chief of Bureau of Statistics, Treasury Department, *Special Report on Immigration*, 1872. The following information was given with reference to improved farm lands in Georgia, the report covering forty-four counties.

Chatham County: Land held in large parcels; owners unwilling to divide; not more than one-fourth of the land cleared.

Glynn: Cotton lands \$3 to \$5 per acre; rice lands \$40 to \$50; good buildings.

Thomas: Lands to be had at from \$5 to \$10; about two-fifths under cultivation.

Spalding: Farms of about 200 acres available, one-half under cultivation; great want of improvements.

Decatur: \$2 to \$10, buildings indifferent, fences bad.

Dougherty, Lee, Baker: \$15 to \$20; one-third to one-half cultivated; log houses.

Muscogee: \$5 to \$15; log houses, piney woods, generally poor.

Terrell, Calhoun, Clay, Early: \$5 to \$8, good cabins.

Upson, Talbot, Harris: \$6 to \$30, three-fourths cultivated; buildings vary from log cabins to comfortable frame houses.

taining lists and prices of lands for sale in the several states. The information was obtained by correspondence with well-informed men in every locality, and, as the purpose of the publication was to attract immigration, it is unlikely that prices were exaggerated. The lands offered in Georgia ranged from \$1.00 per acre in the Wiregrass country to \$100 in the neighborhood of cities. The general level of the price quotations was higher than would be expected in view of the unsettled labor conditions and the rapidly falling price of cotton. Nearly all of the forty-four counties for which data were given in this Treasury publication lay in the Black Belt. The highest prices are found in the oldest part of the belt. In the newer southwestern section, where the land was more fertile, but was uncleared, for instance, in Terrell, Randolph, Calhoun, Early, and Decatur Counties, the prices were relatively low. These low prices were one cause of the movement of population in that direction. The prices were for "improved" farms, and, though the term was very loosely applied, as is shown by the descriptions, the land was probably in a cultivable condition. Unimproved lands in all these counties could be had at much lower prices, and it was doubtless out of these unimproved areas that most of the new farms presently to be mentioned were carved.

The sudden growth reported by the census in the number of farms and the decrease in the average size of farms in the

Randolph: \$2 to \$8, very inferior buildings.

Sumter, Webster, Dooly: \$5 to \$15.

Newton: \$6 to \$15; good land with ordinary improvements, \$8 to \$10.

Morgan and Putnam: \$12 to \$20, poor improvements.

Richmond, Burke and Screven, near Augusta: \$25 to \$100; at distance from the city, \$2 to \$15.

Wilkes, Taliaferro: large farms, owners unwilling to divide, improvements inferior.

Floyd, Walker, Chattooga, Polk: \$8 to \$15.

Clarke: \$10 to \$12; log buildings.

Cobb: \$6.

Lincoln, Columbia, Elbert: \$6.

Warren: \$15 to \$20, nearly all fenced and cultivated.

Troup: \$5 to \$50, one-half cultivated; common buildings.

Fulton, DeKalb, Gwinnett: \$10 to \$25, one-fourth fenced.

Whitfield: \$3 to \$10, one-fourth cultivated; log houses.

Pierce: \$1 to \$2; log houses.

South have justly been regarded as among the most conspicuous results of the Civil War. The change was immediate and far-reaching in Georgia. The following table indicates the extent to which the movement had progressed by 1880.⁹

Year.	Total farms.	Average size.	Total acres in farms.
1850.....	51,759	441	22,821,379
1860.....	62,003	430	26,650,490
1870.....	69,956	338	23,647,941
1880.....	138,626	188	26,043,282

The Census of 1870 was so defective as to be of little value in tracing the changes in the agricultural situation in the South in the decade after 1860. This unreliability is indicated by the fact that, whereas the number of farms in Georgia increased 10,244 between 1850 and 1860, a period when the tendency was for plantations to grow in size by absorbing small farms, there was between 1860 and 1870 an increase of only 8,000 farms, despite the fact that small ownership and tenancy were growing more rapidly than had ever before been the case. The corrective comes in the Census of 1880, which showed an enormous increase in the number of farms and a sharp decline in the average size of the holdings. It can scarcely be doubted that part of the change revealed in 1880 actually occurred between 1860 and 1870, but did not appear in 1870 because of the fact that the disturbed condition of affairs in the South made an accurate Census enumeration impossible. It is preferable, therefore, to use the Censuses of 1860 and 1880 for purposes of comparison. In the face of a decline of 600,000 acres under cultivation, the number of farms increased more than 100 per cent., while there was a decline in the average size of holdings from 430 to 188 acres. These facts indicate the partial failure of the plantation system and the development of small ownership and of tenancy.

⁹ U. S. Census, 1900, V, *Agriculture*, pp. 688-692.

A classification of farms by size groups in 1860 and 1870 throws further light on the movement.¹⁰

	Acres 20-50	50-100	100-500	500-1,000	1,000+
1860.....	13,644	14,490	18,821	2,692	902
1870.....	21,971	18,371	17,490	1,506	419

Half of the farms of more than five hundred acres in size disappeared in ten years. The entire increase in farms is found in those of from twenty to one hundred acres.

No certain light can be thrown on the question to what extent this increase in the number of farms meant the spread of small ownership, on the one hand, and of tenancy, on the other. The United States Census published no statistics on land tenure until 1880. In that report (and the subsequent practice has been the same) the aggregate number of farms was given, followed by a classification into three groups, namely, farms operated by owners, farms operated by cash tenants, and farms operated by share tenants. Since, on the one hand, a single owner may operate several distinct farms, and, on the other, many landowners do not farm at all, it is obvious that the number of farms operated by owners does not by any means represent the number of landowners.

The only study of the spread of landownership that has been made in Georgia was the partial one by Banks in his *Economics of Land Tenure in Georgia*. Selecting from the 137 counties 31 which he regarded as typical, Mr. Banks examined in detail the original tax digests in the Comptroller General's office for the years 1873, 1880, 1890, and 1902; and for the year 1903 he counted the landowners in all of the counties.¹¹ He gave the number of white and colored owners separately for each of the five periods. In the case of the whites, these statistics went to show that there had been a 56 per cent. increase in the number

¹⁰ U. S. Census, 1870, *Industry and Wealth*, p. 340. It is probable that a good many of the larger farms were not enumerated in 1870.

¹¹ Banks, *op. cit.*, app., pp. 119-134.

of white landowners from 1873 to 1902, and a decrease of 31 per cent. in the average size of the proprietorships.¹² The greatest rate of increase was between 1870 and 1880.

In the case of negroes, the Comptroller General has published each year since 1873 the total acreage owned by members of that race. The following table shows the negro-owned acreage for 1874 and for the subsequent decennial periods, beginning with 1880:¹³

1874.....	338,769 acres.
1880.....	586,664 “
1890.....	967,234 “
1900.....	1,075,073 “

Banks worked out the average size of negro holdings for the thirty-one counties considered by him at the years 1873, 1880, 1890, and 1902, with the following result:¹⁴

1873.....	113.9 acres.
1880.....	98.3 “
1890.....	71.0 “
1902.....	64.3 “

On the assumption that the average size of negro-owned farms for the thirty-one counties roughly represents the average for the entire state, the approximate number of negro landowners for the above years is as follows:

Year.	Total acreage.	Number landowners.
1874.....	338,769	2,974
1880.....	586,664	5,968
1890.....	927,234	13,623
1900.....	1,075,073	16,719
1903.....	1,246,455	18,715

The figures for 1903 are the latest that can be given. They make a very poor showing for the negro as a landowner in

¹² *Ibid.*, p. 35.

¹³ DuBois, *Negro Landowner of Georgia*, p. 665.

¹⁴ Banks, app., pp. 112, 127-130.

Georgia. While they composed, in 1900, 46.7 per cent. of the population of the state, they had taxable titles to only one twenty-fifth of the land.

The progress of the negroes in acquiring land did not seem at all satisfactory to their contemporary leaders. A conference of social settlement workers in Georgia and the South met in Atlanta in 1875, and went on record as follows:¹⁵

"The outlook is not encouraging. Many of the negroes are making a noble and successful struggle against all their difficulties, without and within, but as a rule they are not acquiring homes and property, their enthusiasm for education is yielding to the chilling influence of their poverty, and their innate evil propensities, uncorrected by their sensational religion, are dragging them downward. Numbers are becoming discouraged as to acquiring property."

Further evidence that the development of small proprietorship among negroes was not striking may be found in the detailed investigation conducted by the Bureau of the Census in 1880.¹⁶ The replies from Georgia may be summarized as follows:

In Northwest Georgia, five counties reported that not more than one negro farmer in twenty owned his land; two counties reported one in ten, two reported one in four or five. In the Piedmont region, twenty counties reported not more than one in a hundred; five, about one in twenty-five; others one in ten. Bibb County, containing the city of Macon, was reported as having nine negro landowners out of ten farmers. In the Central Cotton Belt, thirteen counties reported not more than one in a hundred, five about one in fifty, three one in twenty, two one in five. In the Wiregrass section, seven counties reported "very few," seven one in ten or twenty, seven from one in four to one in two. Appling and Mitchell Counties reported "most of the negro laborers own land." Thomas County reported "the number is large and increases."

Banks's study showed that, while there had been a large absolute increase in the number of white landowners, "the owners stood [in 1900] in about the same numerical relation to the

¹⁵ DuBois, *op. cit.*, p. 666, quoting from *American Missionary*, June, 1875.

¹⁶ U. S. Census, 1880, VI, *Cotton Production*, Pt. 2, p. 174.

total white population as in 1860," that is to say, about every other white family in the state owned land.¹⁷ One is led, then, to suspect that the growth of small ownerships was not so widespread as has usually been supposed. By far the larger part of the increase in number of farms in the post-bellum period represents increase of tenant farmers. By 1880, 44.8 per cent. of all the farms in the state were tenant farms.

This growth of tenancy meant a weakening of control over agricultural operations on the part of the former managing class. The readjustment of the labor system in Georgia has been a process of decentralization, from complete control by employers of wage gangs to the regime of independent renters. An account of this process has been preserved for one of the large Oglethorpe County plantations.¹⁸ For several years following emancipation, the force of laborers was divided into two squads, the arrangement and method of work being as in the ante-bellum period. Each squad was under an overseer, or foreman. The hands were given a share of the crop. As time went on, the control of the foreman became irksome to the negroes. As a consequence the squads were split up into smaller and smaller groups, still working for a part of the crop, and still using the owner's teams. This process of disintegration continued until each laborer worked separately, without any oversight. The change involved great trouble and loss. Mules were ill-treated, the crop was badly worked and often the tenant stole the landlord's share. It became necessary to abandon the sharing feature. The owner sold his mules to the tenants, thereby putting on them the burden of loss incidental to careless handling of stock. It became impracticable to keep the cabins grouped when each man worked on a separate farm, since some of the farms were at a distance from the "quarters." New cottages were, therefore, built scatteringly in convenient places near springs. The negroes now planted what they pleased, and worked when they liked, the landlord interfering only to require that enough cotton be planted to pay the rent. The

¹⁷ Banks, p. 43.

¹⁸ Barrow, D. C., in *Scribner's Magazine*, April, 1881.

author of the sketch of this plantation said: "The slight supervision which is exercised over these tenants [in 1880] may surprise those ignorant of how completely the relations between the races at the South have changed."

It is to be noted that in this instance the share arrangement was adopted from the first. Had wages been paid for a year or two and then the change to shares been made, the case would have been typical of the history of the decentralization of agricultural operations in Georgia.

Another Oglethorpe County farmer states¹⁹ that "As a general thing we first employed some hands for standing wages and some for part of the crop. We worked them all together, supervised them and gave each one his part in Fall of the year. The renting system, beginning in 1875, has gradually gained until now one half of the tenants or more are renters." He attributed the growth of renting to the unwillingness of the negroes to work in gangs under supervision. It is to be noted that he worked wage hands and share tenants together, under supervision.

Questions 4 and 5 of the inquiry designated as "Inquiries I" asked whether, in case the wage system had been used in 1865, it was subsequently abandoned, and what substitute was made. In every such case the share system had been so substituted, the time of the change varying from 1867 to 1886. Several replies indicated that the substitution was only partial, both wage and share laborers being employed. The reasons for the change will appear from the following quotations: Bartow County: "Hired labor became too sorry and unreliable, because, as now, it was so scarce." Jefferson County: "It was more profitable and less risk to engage part of the labor for wages, part on the share system and part tenants." Muscogee County: "The negro first became a cropper on shares as a step towards what you call in your inquiry 'a more independent' position. Also largely due to the fact that if he hired himself out for wages he alone drew wages and his family such pay for day work as

¹⁹ *Inquiries I*, letter of C. A. Stevens, January, 1912.

they might secure on the farm. By running the crop himself he could put his wife and children in his own crop." Baldwin County: "It became difficult to employ wages labor."

The rapidity with which the share system was adopted is indicated by the statement in the Freedman's Bureau report of 1868²⁰ that most of the contracts for that year were for a part of the crop. This was an exaggeration, but it shows that there was a wholesale abandonment of the wage system. The extent to which the movement had progressed was first definitely known in 1880, when the Census showed that 31.4 per cent. of all Georgia farms were operated on the share arrangement.

For a number of years after the introduction of this system of crop-sharing, there was no uniformity of practice as to what share should be given to the laborer. The share varied with the relative bargaining power of the parties, with variations in the fertility of the soil, and with the amount and character of the equipment furnished by the employer. At the present time in the Black Belt one rarely meets with any other basis of division than the half. Outside of that region, in sections where tenants are largely white, a "third-and-fourth" system is practiced.

When the system of sharing first came into vogue, the laborer's share was low, but scarcity of labor and the influence of the Freedmen's Bureau increased his share.²¹ A bureau inspector drove through the country from Thomas to Dougherty County, in 1866, visiting plantations on the way. He reported²² that contracts for the year 1865 had ranged from one-sixth to one-tenth of the crop to the laborer. The Treasury Department investigation of 1869-70 showed great diversity of practice in the forty-four counties considered,²³ but the half was the most frequent share, in cases where the laborer fed himself. Nearly all of the replies to the question on this point in "Inquiries I" were to the effect that the half was the share given the tenant, Hancock County furnishing the single excep-

²⁰ 40 Cong., 3 sess., *House Ex. Docs.*, 3, No. 1, p. 1044.

²¹ 39 Cong., 1 sess., *Sen. Ex. Docs.*, 11, 88-89.

²² *Ibid.*, p. 91.

²³ Young, *Report on Immigration*, 1872, p. 133.

tion. The United States Department of Agriculture in the report of 1876²⁴ stated that "Four-fifths of the counties of Georgia report one-half for labor subsisting itself." This report was based on evidence collected in every county in the state and may be accepted as authoritative. Curiously enough, the report also said that two-thirds of all the farms of Georgia were operated on the share system, whereas the Census report four years later showed that a few less than one-third of the farms were operated on that basis.

Of first importance in connection with the development of tenancy is the matter of supervision or control of labor. If the planter continued to work the share tenants in groups under strict supervision by himself or his representative, the plantation organization was not seriously impaired. Neither could the plantation be said to have disappeared when the tenants were given separate farms, provided the owner supervised their farming. But if the laborers were scattered over a large plantation and were allowed to escape from all control, the former organization cannot be said to have remained intact. The plantation, in fact, in such cases, became a collection of little farms, independently operated. At the present time, an unsupervised "cropper," as share tenants have come to be known, is almost never met with. The supervision of his operations is as close as the planter can make it, the right of control being based on the fact that the owner furnishes all the capital necessary to make the crop. Few men would now think of entrusting such capital to uncontrolled negroes, and such evidence as is to be found tends to show that this practice of supervision dates back to the inception of the share system. In "Inquiries I," the question was asked: "Did you closely supervise share tenants (immediately after 1865)?" Some of the replies may be given. Oglethorpe County: "I closely attended to all the details of the crop and managing the hands, was obliged to. No measure of success could be attained any other way." Putnam County: "I gave better attention

²⁴ U. S. Department of Agriculture, *Yearbook*, 1876, p. 131.

than now, as we worked old slaves then. Now we have the new generation which is worthless." Baldwin: "I gave close supervision." Another from Baldwin: "Personal and close supervision." Jefferson County: "I did supervise the share hands, as my interest was dependent on good crops made by them." Bulloch County: "Were supervised more closely than renters, because I had more at stake." Hancock County: "I closely supervised."

Three of the replies may be taken to mean that share tenants were unsupervised. Gordon County: "They generally wanted to farm independent of us and mostly have made sorry crops." Bartow County: "About the same" (as renters.) Gwinnett County: "Yes, they are independent, then and now." These three counties are in North Georgia outside of the Black Belt. Question 2 of the inquiry asked for the number and color of the laborers. The Gordon County farmer had four whites and one negro; the Bartow County correspondent employed seven whites, no negroes; the Gwinnett County farmer had two whites and three blacks. All of the letters to the effect that the share tenants were supervised came, with one exception, from the Black Belt. Those planters who supervised share tenants were large employers of almost exclusively black labor. The Oglethorpe planter quoted employed one white and twenty-five blacks; the Wilkes County letter came from an employer of twenty-five to thirty negroes; the Putnam County planter worked twenty-seven negroes; the Baldwin County correspondent one white, and forty blacks, the Jefferson County planter, one hundred and twenty negroes.

This evidence is too slender for a generalization, but it suggests that in the black belt share croppers were strictly supervised, while outside the belt, many white croppers were not subjected to control.

There were, on the other hand, planters who tried the plan of unsupervised share tenancy. The Barrow plantation²⁵ is a case in point. Maltreatment of animals and loss of crops resulted, and the system was abandoned for renting. The Agri-

²⁵ See *Ante*, p. 45.

cultural Department correspondent for Georgia said in 1876²⁶: "Many farmers [of Georgia] have been nearly ruined by neglect to exercise wholesome supervision of the farm economy, and waste and improvidence of share croppers. Some have benefitted themselves and laborers by a judicious control." Similarly, in 1880, the following note occurs in a census publication²⁷:

"The plan of dividing crops under the share system is an equitable one, and if it were properly carried out there could be no cause of complaint, but the owner, in nine cases out of ten, has not only to furnish his farm, but to supply all the needs of the tenant, without having any control over the time or acts of the tenant, who is often seen idling and loitering when his crop requires his immediate attention. Tenants owe the owners for provisions, clothing, tobacco, etc., and in many cases they are indifferent as to whether they produce enough to pay the owners these advances made during the season. Thus the landlords annually lose largely by this system of shares, simply because they have all the risks and no corresponding control."

A Burke County planter writing to *The Cultivator* in 1868 relates practically the same experience.²⁸ His operations failed in 1865 and 1866 largely on account of the bad seasons. In 1867, using the wage system, he made almost enough to recoup the losses of the two former years and pay expenses of 1867; in 1868 he changed over to the unsupervised share system, and even as early as May he saw from the attitude of the laborers and the condition of their fields that the experiment would be a failure. His opinion was that "Negroes left to their own judgment, and their own volition must fail, for with a very few exceptions they have neither, and where you work on shares, they are beyond cavil co-partners, and they have a right, and in the fullness of their conceit, exercise that right, to have a say-so in everything." The most instructive instance of the disastrous consequences likely to follow from allowing share tenants to farm without supervision was furnished by Mr. David Dickson, who was for many years regarded as one of the ablest Georgia planters. In

²⁶ U. S. Department of Agriculture, *Yearbook*, 1876, p. 132.

²⁷ U. S. Census, 1880, VI, *Cotton Production*, Pt. 2, p. 172. Letter from a Georgia correspondent.

²⁸ *Southern Cultivator*, May, 1868.

spite of large experience and ample capital, Mr. Dickson found himself unable to make a profit with cotton at a high price.²⁹

It seems clear from the evidence that unsupervised share farming was a failure; but it was impossible to impose restrictions on negroes who had been permitted to work on this system. The solution of the problem lay in a more complete separation of landlord and tenant, in other words, in real tenancy or renting.

The practice of renting lands arose from a variety of causes. Many planters in the unsettled condition of labor did not care

²⁹ *Ibid*, February, 1869. This communication, written by a special correspondent of the *Cincinnati Commercial*, dated Augusta, Ga., April 11, 1868, was reprinted by the *Cultivator*.

"Mr. Dickson's experience in planting is, of course, valuable chiefly to southern planters. A general adoption of his method of cultivation would more than double the products of the country and the profits of the farmer. But his experience with the freedmen will be more interesting to Northern men. It is especially valuable because it is trustworthy. There is no guesswork in it, for his accounts of labor and produce have been accurately kept both before and since the war. He hires his hands for a share of the crop, giving the choice of three different contracts. By one they pay for their rations and are given one-third of the crop, by another the freedmen obtain only the land from the employer and pay all expenses, furnishing their own stock and tools, these give one-third of the crop for the rent of the land. By the third, the laborer and employer share the expenses and the crops equally, in all cases the use of the land being considered a fair offset to the work of the laborer. *The men work in companies of from six to ten.* Each of these companies has a certain amount of land allotted to it, and it receives the share of the crop grown on that field. *No overseers are employed, and except that the manner of cultivation is prescribed by Mr. Dickson, they work about as they please.* Now for the results. In 1861, Mr. Dickson paid \$13,000 for manures, worked sixty hands, and made 850 bales of cotton. In 1867, as good a season for crops, he worked one hundred and forty hands, paid \$13,000 for manures, and made seven hundred bales of cotton, fifty of which wasted in the field because it was not picked out in time. Heretofore his loss of stock has amounted to \$2,000 yearly. Last year the animals which died or were killed were worth \$10,000. The freedmen use the mule very severely, beating them unmercifully and the loss so entailed is no inconsiderable item of the planter's expenses. With slaves Mr. Dickson produced from ten to fifteen bales of cotton to the hand. With freedmen he made three bales to the hand in 1866 (a bad season) and five and a half bales in 1867. Before the war from eight hundred to twelve hundred pounds of pork were made to each hand. Now the stock of hogs is nearly annihilated, and profits from this source are cut off. A large fortune was made before the war raising cotton at eight or nine cents a pound. At thirty cents a pound the crop of 1866 entailed a loss of several thousand dollars, and in 1867 fifteen cents a pound barely paid expenses, here where cotton is raised more cheaply, perhaps, than on any other farm in the south. Such decided proof of the demoralization of the laborers I have nowhere else found, because elsewhere the results were rather guessed at than deduced from accurate data."

The significant words have been italicised.

to attempt farming, and, unable to realize on their holdings, or unwilling to sell, turned over their lands to white and black renters, who, under the lien laws, could get their supplies from merchants, sometimes with, sometimes without, the landlord's endorsement. Other planters, owning large bodies of land and desiring to continue operations, were able to secure a sufficient force of laborers to man only part of the plantation, and therefore rented the balance, rather than have it remain idle. Yet other planters, influenced by the new impulse towards popular education, moved to the towns to educate their children, and under such circumstances rented their lands, the only alternative to selling, since the wage or share system was impractical without constant oversight. But the most potent factor in bringing about the renting system was the negroes' desire for complete emancipation from control.³⁰ By reason of the scarcity of labor they were able to realize their wishes. When the movement was once begun, it grew with great rapidity, for as soon as the negroes who were working as day laborers or share hands saw the large degree of personal liberty enjoyed by those who had succeeded in attaining the position of renters, they speedily demanded like privileges, and, in a large number of cases, the planters were not in a position to refuse.

The workings of the share and renting systems will be discussed in the following chapter. The essential differences between the two systems may be briefly explained at this point. Under the renting system the landlord furnishes only the land and house. All supplies are furnished by the tenant. The landlord has nothing to do with the tenant's crop, no right of supervision as to the sort of crops grown or the amount of labor expended. The rental under this arrangement is commonly stated

³⁰ Industrial Commission, *Report*, X, p. 487. Testimony of F. M. Norfleet: "This disposition to rent that the negro has chiefly in this country is due to a desire to have charge of his own affairs, without being hindered. That being the most pleasant arrangement for him, is the one he insists on in making his arrangements for the year with his landlord. The landlord himself would prefer the share system. It is the best because then the negroes operate under his supervision and the farm as a rule is kept up better, but on account of the scarcity of labor the landlords through this section of the country have to pursue largely whatever plan suits the labor best."

in terms of cotton, though outside of the Black Belt there is a considerable amount of cash renting.

Under the share system, the landlord supplies everything necessary to make the crop, except the manual labor, and the owner and tenant are in a sense co-partners in the undertaking. Since the landlord has undertaken all the risk, he claims the right of complete control over the tenant and the crop, just as in the case of a day laborer. It is this supervision that the darkies resent. It is a well-established fact that their profits under the supervised share system are usually far higher than they can make as independent renters. Profit, however, is a secondary consideration. In 1880 more than twenty per cent. of all the Black Belt farms were being operated on a renting basis, by far the larger part of the renters being negroes.

Question 8 of "Inquiries I" was: "Did you later abandon the share arrangement for a renting system; if so, when and why." Only four negative replies were received. Three of these were from counties outside the Black Belt and the fourth was a border county. All of the four employed some white labor, two of them a majority of whites. Two of the four were among those outside the Black Belt who had exercised no supervision over share farmers—apparently no demand for a change where there was no supervision. All of the planters who had closely supervised their laborers under the share system later adopted renting. The following are some of the reasons given for the change in Black Belt counties.

Oglethorpe County: "The negro became less willing to work in large bodies on the large plantations, they became harder to manage and many negroes began to desire to get off to themselves and run one and two horse farms. The large landowners finding that they could no longer get the negro low or cheap enough to allow a margin of profit, began to place their tenant houses all over their farms and rent to their tenants." Wilkes County: "A large part of those renting only wanted more liberty to do as they felt like and not to improve their condition." Baldwin County: "The change was gradual. As the new negro came on, it required an overseer to every plow to get any work done, as the share laborer got his supplies, he would not work, as he had all he desired. The

rental seemed best as more responsibility was on the tenant." Another from Putnam: "Can't control any system, but seek a good hand for wage, as cropper or tenant. The negro practically decides the system applied to farming. The negro naturally seeks the position as laborer affording the most absence of white supervision--the privilege of personal independence." Muscogee County: "In their effort to gain a still more independent position, they began demanding rent privileges where they could enforce it." Hancock County: "Because I moved family to town to educate children, and practically abandoned plantation to renters. Still retained some share hands and gave to them what attention I could, didn't work well to have both on same place, and had to drop share plan."

Before 1880 all the forces which determined the post-bellum history of agricultural labor in Georgia were in operation. The decline of the plantation organization and the rise of the two dominant types of tenancy have been traced as far as it has been found possible in the absence of comprehensive statistical data. After 1880 the decennial publications of the Census Bureau make it possible to study the movement with more definite results.

CHAPTER IV

THE CONTRASTING TYPES OF TENANCY IN THE NEW
REGIME: CROPPING AND RENTING

In confining the remainder of this monograph to a study of tenancy in Georgia two considerations are controlling. The first is that the growth of tenancy has been the most striking development in the post-bellum period; the other, that no data is available for a statistical study of the modern plantation. Under the classification followed by the Bureau of the Census, the plantation as an economic unit is ignored. This is unfortunate, not only because the plantation is by no means a negligible factor in present-day Southern agriculture, but also for the further reason that confusion unavoidably follows the Census practice of classifying as farms the holdings of share tenants. While, therefore, the development in the plantation system cannot be traced except inferentially from the movements in tenancy, the plantation lends itself readily to description in individual cases, and a detailed account of at least one plantation will be given.

An effort was made at the 1910 Census to obtain information bearing on the modern plantation system. In addition to the regular farm schedules, a Plantation Schedule was distributed among the enumerators, and a large number of these were filled and returned to the Bureau. Supplementary data was collected by special agents in the summer of 1911, but no publication of these results has so far been made. The present writer was one of the special agents and was assigned to the state of Georgia. The plan of the investigation was as follows: The state was divided into ten districts. Each district was marked out so as to include counties similar in their general characteristics. A special schedule of inquiries was prepared,

designed to cover every feature of plantation life. Questions were asked to elicit information as to the size of the plantation and amount of investment, character of equipment, method of farming, type of labor employed, method of organizing the labor into an industrial unit, method of supervising labor, relative efficiency of wage laborers, share tenants and renters, the general condition of the laboring population, financially, morally, educationally. In every district the agent obtained by filling out these schedules a detailed description of a number of plantations in actual operation. When not engaged in obtaining answers to schedule questions, merchants, bankers, farmers, tenants, and laborers were consulted as to the general conditions of plantation life. On the conclusion of work in a given district, a "District Report" was made, following a scheme prepared by Bureau officials and men familiar with the subject. Three months were spent in this work and a large amount of fresh material was gathered bearing on the present situation in the plantation belt. Copies of plantation schedules and district reports were retained by the agent, and these, with other materials to be mentioned, form the basis of this and the succeeding chapters.¹

Another body of unpublished and hitherto unused material are letters received in reply to a questionnaire prepared in 1902 by the Division of Statistics of the United States Department of Agriculture.² This was an inquiry into the tenant system in the country at large. From Georgia one hundred and forty-one replies were received, representing eighty-two counties.

In addition to the above, valuable information has been obtained from the replies to an inquiry conducted in 1906 by the Department of Rural Economics in the University of Wisconsin.³ Though only twenty-two replies were received from Georgia, the letters are of unusual value.

¹ See Bibliographical Note, *post*, pp. 115-116. The descriptions of individual plantations will be designated as "Plantation Schedules, 1911," and the district reports as "Reports on Georgia Plantation Districts, 1911."

² See Bibliographical Note, *post*, p. 116. This material is cited as "*Inquiries II, 1902.*"

³ See Bibliographical Note, *post*, p. 116. This material is referred to as "*Inquiries III, 1906.*"

The following table shows the status of the various classes of farmers at the four Census periods for which such data has been collected.⁴

	1880	1890	1900	1910
Total farms.....	138,626	171,071	224,691	291,211
Owners.....	76,451 (55.1)	79,477 (46.4)	81,603 (40.1)	100,231 (34.6)
Cash tenants.....	18,557 (13.4)	29,413 (17.2)	58,750 (26.2)	82,387 (28.2)
Share tenants.....	43,618 (31.5)	62,181 (36.4)	75,810 (33.7)	108,593 (37.2)

When this data comes to be rearranged by races and sections of the state, the figures will be more suggestive. However, certain well-defined and constant movements are revealed by the data in the above form. In the first place, there has been a regular and large increase in the total number of farms throughout the period, the increase being more rapid than the growth of population. This increase is due principally to the steady disintegration of large plantations, a movement which is still going ahead with unabated vigor. This disintegration has been in part a real, in part only a nominal division. A second cause of the increase has been the bringing into cultivation of new land in South Georgia with the gradual disappearance of the pine forests.⁵

The percentage of farms operated by owners has declined from 55.1 per cent. in 1880 to 34.6 per cent. in 1910. This fact has been misunderstood in Georgia, wide currency having been given

⁴ U. S. Census, *Agriculture*, 1880, 1890, 1900, 1910. The term "Owners" is an abbreviation of "Farms operated by owners." In this class are included part owners, owners and tenants, and managers, the sub-classes being too small to affect the percentages. The data for 1910 was supplied by the Agricultural Division of the Census Bureau in advance of publication. In the final revision slight changes may occur. In parenthesis is given the percentage which each class of farmers formed of the total number of farmers at the given census period. For a similar table for white and black farmers separately, see *post*, p. 123.

⁵ *Plantation Schedules*, 1911, No. 20. The holding described in this schedule illustrates the way in which turpentine forests are being transformed into farms. The place, which can scarcely be called a "plantation," is a tract of 7,000 acres, of which only 900 are in cultivation. The report states that the principal interest of the owner is the lumber and turpentine business. Farming is only incidental. The owner expects eventually to become a planter on a large scale and as fast as land is cut over he rents it to tenants under an arrangement by which clearing the land of stumps offsets the rent.

to the idea that it has meant the growth of tenancy at the expense of owner-operated farms. This, however, has not been the case. Throughout the period there has been a steady and healthy increase in the absolute number of farms operated by owners; certainly the increase of farms in this category during the last decade affords small ground for uneasiness. The period from 1890 to 1900 was one in which agricultural depression reached its nadir, cotton falling below five cents. This depression was not only severe but was continuous over a longer period than any other in the history of the country. That there should have been an increase of more than two thousand farms worked by owners during that decade is remarkable. With returning prosperity in 1900, landownership received a striking impetus, as is indicated by the twenty thousand increase in farms operated by owners in the last decade. Small ownership has been steadily growing, not declining, during the four decades since the Civil War. The spread of tenancy has not involved a decline of owners. For instance, suppose that on a given farm twenty hired laborers were employed. The Census would record this unit as one farm. Now, if by the time the Census enumerators visited that farm again, the twenty laborers had become share tenants, using the same land and working as formerly under the eye of the owner, the essential economic unity of the plantation having remained unimpaired, the farm would be reported not as one operated by the owner, but as twenty operated by share tenants. Clearly there is a fallacy in supposing that such a change as this has in any way affected the number of farms operated by owners. It is to be remembered that the large majority of tenants are just such share tenants.

Fifty per cent. of the white farmers in the state own their farms. The percentage of farmers working their own land is lowered by reason of the small percentage of negro farmers who own their land, and in the view of the writer it would be a social advantage if the number of negroes operating their own land was reduced and the less efficient class of negro owners should resume their former positions as day laborers.⁹

⁹ Hoffman, F. L., *Race Traits and Tendencies of the American Negro*. In American Economics Association, *Publications*, XI, 1896. A view similar to the

The growth of share tenant holdings represents a nominal or apparent increase in the number of farms. They should not be regarded as separate and distinct farms, since they are analogous to the squares on a checkerboard, the essential unity of which is not destroyed by the division. This point will receive further treatment presently. It will be observed from the table that while a majority of the tenant farms are share farms, this class of tenants has only succeeded in maintaining its relative position since 1880, while cash tenants have increased at a very rapid rate. Herein lies the only disquieting feature of the development. To the extent that these cash tenants are irresponsible negroes, without capital and intelligence, the growth of cash tenancy is a distinct evil. It is, on the other hand, an evidence of progress in the case of those efficient white and black men who are qualified for the higher economic position.

It is necessary at this point to draw a clear line of demarcation between the two forms of tenancy. Cash and share tenancy are found all over the United States, and the relative merits of the two systems have been discussed by all leading authorities on rural economics. Cash tenancy usually represents an economic advance over share tenancy. The common practice in the country at large is for the young man without capital but with a larger share of ambition and energy than is usually possessed by the day laborer to begin life as a share tenant. He incurs under this system little risk. The land and capital goods necessary for farming are supplied by the landlord, who actively manages the undertaking. The combination of self-interest on the part of the share tenant and the entrepreneurial efficiency of the landowner, usually an experienced farmer, form an excellent arrangement.⁷ When the share tenant has accumulated sufficient

above as to negro landownership. "From personal observation I incline to agree with the writer who sees little benefit accruing from negro ownership of land. As a rule their "farms" are such in name only, and the cultivation of the soil and the condition of the grounds are of the lowest order."

⁷ Taylor, H. C., *Agricultural Economics* (New York, 1911), p. 263. "Participation of the landlord in the management of the farm is the chief reason for the success of share tenancy in this country. This point has been emphasized over and over again in the communications received from men who are in a position to know. Share tenancy is, as a rule, more profitable to the landlord only when the farm is under his immediate supervision. If the management must be left entirely to the tenant farmer, the cash system is usually preferable to the landlord."

capital to stock a farm, and has acquired the skill and experience necessary to successful farming, he strikes out for himself as an independent renter. He is now in a much more advantageous position, because after the payment of a fixed rental per acre, all of the increment of product due to his superior managerial efficiency goes to himself, whereas the share farmer must pay proportionally more rent as the product of his industry increases.⁸ More careful culture and more constant industry may normally be expected of cash tenants. From the standpoint of social production, the cash system is preferable, because it makes for a more perfect utilization of the land; indeed, one of the difficulties attaching to the cash system is the tendency of the farmer to force the soil in the effort to extract from it the maximum yield during a given tenancy.⁹

The same qualities being necessary for the cash tenant as for the landowner, success as a cash tenant often means an easy transition to landownership. Experience has shown that this evolution may be expected.

The above considerations do not apply in the case of the negro element of tenants in Georgia. In that state, share tenancy implies close supervision on the part of the owner; cash tenancy, freedom from such control. It has been well said that the passage of the negro from the former to the latter class "marks not his greater ability but his greater opportunity to declare his independence from the close supervision of the landlord." It is the escaping from supervision, not the larger opportunity of profits that the negro has in mind in shifting from the position of wage earner or share tenant to renter. The history of the normal negro agricultural laborer is about as follows. He begins as a youth working for wages. As soon as he has a family that can be utilized for field work he becomes a share tenant. Under the semi-compulsion of this system, he makes good profits, and, if he has any capacity for saving, can in a short time buy a mule and a few tools, and set up as a renter. So great has been the competition for laborers and so completely have the negroes had the upper hand in this matter, that negro wage earners and share

⁸ Carver, T. N., *Principles of Rural Economics* (Boston, 1911), p. 232.

⁹ Taylor, *Agricultural Economics*, pp. 269-270. Carver, *Rural Economics*, p. 232.

hands have in many instances been able to achieve an independent position even without the inconvenience of having to save the small amount necessary to stock a renter's farm. In thousands of cases where there was not the slightest reason to anticipate success from the venture, landlords have been forced to sell to negroes on credit tools and work animals or to rent the equipment along with the land, and to set up laborers as renters. Being, in the mass, of low grade efficiency, the cash tenant begins getting in debt the first year; after two or three years everything he has is taken for debt, and he returns to his former position of day laborer or share tenant.¹⁰

Sometimes the share tenant uses his profits to make an initial payment on a piece of land and becomes a small proprietor. His experience as a landowner is often similar to his experience as a renter.¹¹ He struggles on from year to year, making a miserable living, being able to exist solely because of his deplorably low

¹⁰ *Plantation Schedules*, 1911, No. 19. The following extract from the report on a Brooks County plantation gives a typical case of negro experience as a renter. "Anthony Moore, a splendid worker, had a farm on this plantation, twenty acres in cotton and fifteen in corn, in 1905. He made thirteen bales of cotton and a large quantity of corn [working as a share tenant]. The attached original account [a sheet torn from the plantation ledger] shows the large amount of cash this negro got during the year, as well as other advances, and the credits of cotton, half the bale being credited in each case. He settled up the entire account and had corn and meat extra, not to mention the \$100 in cash which he got just prior to the final settlement. This negro abandoned the place the following year, because the landlord would not rent to him, and he had enough to buy a mule. He rented a farm from Mr. ———, another Brooks County planter, and wound up his first year \$70 in debt and nothing to show for the year's work. His former employer was interested to see how the case would turn out, as this was a good negro, so far as his application to work was concerned. The next year the deficit was taken up by another planter, named ———. At the end of that year, he was worse off than at the end of the former year. The negro came to Mr. ———, the original employer, last Sunday and told him of his troubles. Mr. ——— expects him to go back to work as a cropper, but has no doubt that as soon as he pays out of debt and saves enough to buy an animal he will again resort to renting. His observation is that after an unusually good crop year, it is very difficult to get labor for the following year. The negroes have all made money and do not want to work again as croppers, that is, practically day laborers receiving their pay at the end of the year."

¹¹ *Inquiries II*, 1902, Letter from Upson County: "The writer soon after the negroes were freed, undertook to aid many of his old family negroes, with disastrous results in all except one case. Will mention one case of late occurrence to illustrate. Fourteen years ago I bought a farm of 120 acres and a fine mule and wagon and other items of supplies for one of my favorite negroes, and sold them to him for what they all cost me. During that long time he has only paid the cost of the mule and wagon, and last year permitted the land to be sold for taxes, and I had to redeem same."

standard of life, using the least efficient stock and implements and the most antiquated methods of cultivation. It is little short of miraculous if he maintains himself, for it is a struggle against all the tendencies of the time. He is the marginal farmer, and with the increasing value of land that must follow a rapidly growing population, the likelihood of his surviving seems small.

There is an element of negroes who are prospering as renters and landowners. In the investigations of 1911, the writer made it a rule to ask every planter whether he knew of cases of successful negroes, and found no planter who could not mention by name such cases. These negroes are the hope of the race, because they are a standing refutation of the belief held by many persons that the negro is incapable of advancement. No claim is here made that negroes are not progressing. Such a claim would be idle in the face of the fact that in 1910 they were assessed for taxation in Georgia on \$32,234,047 worth of property, including 1,607,970 acres of land.¹² The point on which insistence is made is that the mass of the race are wholly unfit for economic independence, and that they are sacrificing their best chance for well-being in seeking too rapid a divorcement from the tutelage in industry through which they should pass. The economic motive that urges men of other races to labor is weak in the negro race.¹³ Any influences which would tend to increase his wants are to be welcomed. He needs larger desires and the pressure of competition for work. However slovenly his work under the conditions that have existed for nearly a half century, he is assured of a living, mean though it be, and this is sufficient. He feels no necessity for greater industry, and hence will not work unless encouraged to do so by the presence of some supervisor.

In the preceding chapter it was shown that from the beginning of the share system some planters exercised supervision, and that those who did not became involved in failure. Gradually all

¹² Georgia Comptroller General, *Report*, 1910, Table 17.

¹³ Hammond, *Cotton Industry*, p. 186. "The freedmen and their descendants are generally lacking in energy and ambition. They possess none of the qualities which are found in all progressive workers. Their labor succeeds only when it is subject to constant supervision . . . Poorer farming can scarcely be found than on the numerous plantations in the South where the absentee proprietor has rented out his land to the negro cropper and has left the latter free to conduct the farming in his own way."

share tenants who could be retained were placed under supervision and those who refused to acquiesce in the arrangement took the further step and became renters. In this way the landlord either recovered his manifest right to safeguard the property necessary to operate a share system, or, by renting out the land, tended to escape from responsibility as to the capital goods required.

Planters have been virtually unanimous during the entire post-bellum period in resenting the growth of renting. They feel that where the laboring class is of such a low order, complete control should remain in the hands of the capitalist class. They know that skill, industry, knowledge, and frugality are essential to successful farming, and they know that negroes in general lack these qualities. The indictment against the renter is overwhelming. Of the twenty-two letters received in "Inquiries III," fourteen were emphatically in favor of the share system; five preferred renting because they wanted to get rid of the annoyance and trouble incidental to working with negro labor, and only one preferred renting because it is "less trouble and pays better." In the course of the summer's work of 1911, only two or three planters were found in Georgia who would speak a favorable word for renting. Of the entire number of plantation schedules obtained, in only one case was the owner in favor of renting, and it is significant that in that instance the renters were supervised in much the same way that share tenants are usually controlled.¹⁴ Seventeen of the twenty-two planters from whom replies were received in "Inquiries III," in answer to a specific question, said that the most serious problem confronting the planter who rented his lands was the impoverishment and deterioration of the soil. One letter may be reproduced as the type of them all.

"The renter being independent, obligated for so much rent, is in ninety-nine cases out of a hundred, left to his own pleasure and judgment; the result of which is, the farm on which he works is consist-

¹⁴ *Plantation Schedules*, 1911, No. 18. This was an interesting case. The planter operated about 2,500 acres of land, all in the hands of negro renters. These renters own their stock and tools. Some of them have been with the planter twenty-five years and all for long periods. They were carefully selected. The owner exercises close supervision over them in an advisory way, visiting each place once a week. He believes this supervision to be "absolutely necessary." His renters are very willing to work, "but do not know how to farm profitably."

ently going down, houses get out of repair and rot down; fences are burned, as it is easier to move them than to split wood; ditches are allowed to fill up; grass and shrub bushes constantly encroach on the open land, and, in fact, in all parts of Georgia where the rent system is allowed, it is a saying that the negro renter's foot is poison to the land."¹⁵

Correspondents said that renters know nothing about rotation of crops or other methods of conservation,¹⁶ that renters are an unstable class, who remain only a year or two in one place and exhaust the soil without putting anything back into it.¹⁷ Many stated that they permitted renting only because it was impossible to employ day laborers or croppers.¹⁸

One of the inquiries in the Plantation Schedules sought to elicit information as to the relative effect of the two forms of tenure on production, conservation of the soil, and the progress of the tenants. Planters' replies usually took the form of concrete illustrations. A Screven County planter,¹⁹ operating 16,000 acres with one hundred and forty-two share tenants, in 1910 performed the following experiment with a view of demonstrating to the tenants the superiority of the share arrangement. A sixty acre tract of land of uniform grade was selected and divided into two farms. This land was turned over to one of the "two-horse" tenants under an arrangement by which the two tracts were worked with the same animals and tools, and a like amount of fertilizers. The only point of difference was that on one of the farms the tenant worked according to his own ideas, on the other he followed the directions of the manager. The supervised farm produced twenty-two bales of cotton, the other twelve. Nevertheless, the negro left the plantation at the end of the year because the manager refused to allow him to stay as a renter. No

¹⁵ *Inquiries III*, 1906, Letter from Muscogee County.

¹⁶ *Ibid*, Letter from Baldwin County: Planter prefers the share system, "because the land is not relinquished to tenant, and I can rotate more intelligently. By nature, a negro who rents outright is fond of exercising full and unrestricted power to do as he sees fit, and but few, very few, have any idea at all of rotation or any other means of preserving the soil. In short, land left to his judgment will go to the bowwows, or the Atlantic Ocean, in this hill country." All of this planter's tenants have been with him twenty years or more.

¹⁷ *Ibid*, Letter from Richmond County.

¹⁸ *Ibid*, Letters from Bibb, Hancock and Baldwin Counties.

¹⁹ *Plantation Schedules*, 1911, No. 10.

stronger evidence could be produced that share farming is better for landlord and tenant, and that profit is a secondary consideration with the tenant. On the share farm, the tenant's gross share was eleven bales, from which he had to pay only his own support and half the fertilizer bill. On the second farm, his net return after paying rent was not more than nine bales, and from this he was obliged to pay the entire fertilizer bill, and support for his work animal, besides wear and tear and interest on the investment in stock and tools.

A Dougherty County planter²⁰ rented to one Stewart for about ten consecutive years, during all of which time the renter was never out of debt. Losing patience, the planter refused to "carry" him longer, and induced him to work on shares, with the same land and mule. The darky was soon free of debt and saved enough to buy a new mule and a buggy. He then felt ready to set up again as a renter, and, the planter refusing to rent, he left the place. After two years he returned to his original employer, bankrupt, began again as a share tenant, and in the summer of 1911 was free of debt.

Scores of such cases are recorded in "Plantation Schedules." In nearly every case the share tenant admits making more profits under the share system, but utterly denies that the owner's direction is responsible for the result.²¹ The superior profits are attributed to the fact that croppers are put on better grades of land and that more fertilizers are used. Several tenants were found during the summer who admitted the advantage of wise direction. On one plantation visited, a mulatto was acting as foreman.²² This man without hesitation stated that the mass of negroes were not qualified for independent renting, and that they desired to rent principally for the reason that in that status they had the unrestricted control over a mule to ride on Sundays.

Viewed in the proper light, only one form of tenancy exists in Georgia, namely, renting. The share tenant is in reality a day laborer. Instead of receiving weekly or monthly wages, he is

²⁰ *Ibid.*, No. 25.

²¹ *Ibid.*, No. 7. Five such conversations are here reported. All explicitly admitted greater profits from the share system, but as emphatically denied that this resulted from supervision. Similarly No. 39.

²² *Ibid.*, No. 16.

paid a share of the crop raised on the tract of land for which he is responsible. Absolute control of the crop remains in the hands of the landlord. He deducts all charges for support of the tenant, and turns over the balance to him. It is true that the typical wage method of working in gangs gave way on the whole to individual holdings, but this change did not eliminate supervision. Instead of standing over the gang of laborers constantly, the owner or his representative now rides from farm to farm, watching the state of the crop, deciding on the method of cultivation, requiring the tenant to keep up the property, and above all enforcing regularity of work. Supervision was to some extent weakened by the change, but it is questionable whether in a free-negro regime the slackening of discipline materially affects production. The wage hand was an uncertain factor in that he was liable to disappear on any pay day; the cropper is obliged to stay at least during an entire year, or forfeit his profits. This steadiness imparted to the tenant by self-interest doubtless compensates for the slight relaxing of discipline. Indeed, the share system is not altogether incompatible with gang labor. Many planters hold that in large-scale production of cotton the really crucial point of difference between the share and renting systems is in connection with the preparation of the soil. When the plantation is organized on a share basis, the planter furnishes heavy plows and harrows and strong teams, and all the share farms are prepared just as if they were one farm, laborers and teams going in gangs straight over the plantation, regardless of the individual holdings. In this way every portion of the plantation receives similar treatment. Division into individual holdings is made after preparation and planting. Furthermore, as the croppers are under full control as to their time, they are sometimes worked in gangs during the cultivating season. For instance, if the manager sees that the crop of one of his share tenants is being neglected, he may send a gang of other croppers to put things to rights, charging the extra time against the negligent cropper's half of the crop. This sort of cooperation is not practicable with renters. In the first place, the planter does not have control of their time. In the second place, renters' work-animals and tools are of varying degrees of efficiency, many tenants owning only

the most wretched stock and implements. It would not be fair to combine poor animals with good ones and give the inefficient renter the benefit of the services of the equipment of the efficient men. A third difficulty is that renters are independent and differ in their ideas about farming, for example, about the amount of fertilizers that may profitably be used.

When it is once realized that the share system finds place only on plantations under close supervision, that the share tenant is really a day laborer, and that his holding is not a farm but a section of a well-ordered unit, it should be manifest that there is little cause for alarm on account of the decline in the percentage of farms operated by owners, and the growth of tenancy in Georgia. While in 1910, 65.4 per cent. of all farms were tenant holdings, more than half of these (56 per cent.) were share farms. Furthermore, during the past decade, the share tenants increased at a more rapid rate than the cash tenants,²³ and there is reason to believe that the negro element of cash tenants is destined to become a progressively smaller factor in the situation than at present.

The law of Georgia sustains the position that the share tenant is only a day laborer and not a real tenant. Of course, the law simply crystallizes the actual economic facts as they have worked out. In 1872, the Supreme Court in the case of *Appling vs. Odum*²⁴ held:

"There is an obvious distinction between a cropper and a tenant. One has a possession of the premises, exclusive of the landlord, the other has not. The one has a right for a fixed time, the other has only a right to go on the land to plant, work and gather the crop. The possession of the land is with the owner as against the cropper. The case made in the record is not the case of a tenant. The owner of the land furnished the land and the supplies. The share of the cropper was to remain on the land and to be subject to the advances of the owner for supplies. *The case of the cropper is rather a mode of paying wages than a tenancy.* The title to the crop subject to the wages is in the owner of the land."

The important words have been italicised, in which the court expressed the opinion that a share hand is a wage earner, not a

²³ See Table, *ante*, p. 57.

²⁴ 46 *Georgia Reports*, pp. 584-585.

tenant, or renter. This decision has been the basis of all subsequent rulings as to the relations of landlords and tenants in Georgia. The view was reiterated in 1878²⁵ when the court held that "Where one is employed to work for part of the crop, the relation of landlord and tenant does not arise." Ten years later the court defined with great clearness the position of the share hand:²⁶

"Where an owner of land furnishes it with supplies and other like necessities, keeping general supervision over the farm, and agrees to pay a certain portion of the crop to the laborer for his work, the laborer is a cropper, and judgments or liens cannot sell his part of the crop until the landlord is fully paid, but where there is a renting, and the relation of landlord and tenant exists, an older judgment will subject the renter's crop . . . [both parties] swore that Plunkett [the tenant] rented the land from Almand for a specified rent. The land, therefore, was in possession of Plunkett, the tenant, and not in Almand, the owner. The work was not done under Almand's superintendence and direction. Almand had no control over the land, and the crop made on the land was not to go in payment to Plunkett for his labor in making the crop. He was therefore not a cropper as defined in 46 Ga. 583 (*Appling vs. Odum.*)"

It should now be clear that in economic significance, and in their practical and legal aspects, renting and share tenancy are as wide apart as the poles. The cropper is a day laborer, works under constant direction, has no exclusive right to the premises or title to the crop he produces. The renter, on the other hand, is a real tenant. The court has explicitly held²⁷ that the landlord has no right to enter on the tenant's farm against his will to interfere with the crops. The tenant has exclusive possession of the premises for the time being and entire control over his crops. It is scarcely necessary to point out that the reason underlying this distinction is that, in the case of the cropper, the landlord is the sole capitalist and entrepreneur. Everything necessary to make the crop is supplied by him; while, in the case of the tenant, a fixed rental per acre is paid the landlord, and the landlord's connection with the tenant's farm ceases there.

²⁵ 61 *Georgia Reports*, p. 458.

²⁶ 80 *Georgia Reports*, p. 95.

²⁷ 75 *Georgia Reports*, p. 274.

CHAPTER V

THE MOUNTAIN COUNTIES AND THE UPPER PIED-
MONT: ECONOMIC HISTORY AND LAND
TENURE MOVEMENTS

In the preceding discussion of the changes that have come in the agricultural labor arrangements since the sixties, Georgia has been treated as a unit, but the readjustment has not been uniform in all sections of the state. Georgia embraces several physiographic divisions which differ widely in climate, soil properties, and health conditions. The physiography of these areas has determined their historical development and the character of the present population, some of the sections having been settled by cotton planters and their slaves, others having been developed by small white farmers. The labor system of those areas where whites predominate presents a sharp contrast to the system prevalent in the sections containing black majorities. The state falls into five natural divisions, the Mountainous region, consisting of the two most northern tiers of counties, the Upper Piedmont, between the mountain division and the Black Belt, the Black Belt, extending across Middle and Southwest Georgia, the Wiregrass region of South Central and Southeast Georgia, and the Coast counties.¹

The Mountain counties are cut off from the Upper Piedmont because they are insignificant in agriculture and will be given only passing notice. The Coast counties are separated from the Wiregrass region because in the character of the population and status of the agricultural classes the two sections are totally dissimilar. The Coast counties are of prime importance historically and

¹ See Map, app., p. 127. These divisions will be designated as Group I, Group II, etc.

would be a fit subject for monographic study. They were not included in the investigative work of 1911, and the present writer knows little at first hand of conditions there.

The essential differences in population and land tenure among the five sections are given in the following tables:

Table Showing Population of the Five Sections in 1870 and 1910, Percentage of Increase, Per Capita Wealth of Total Population and of Negroes² in 1910

	1870			1910					
	Total population.	Per cent. white	Per cent. black	Total population.	Per cent. white	Per cent. black	Per cent. increase 1870-1910	Per capita wealth	Per capita wealth of negroes
Group I.....	99,305	89.1	10.9	157,819	92.6	7.4	58.9	\$184.76	\$30.30
Group II.....	273,356	68.6	31.4	692,779	71.0	29.0	153.4	285.94	25.44
Group III.....	656,424	40.0	60.0	1,166,924	38.9	61.1	77.4	226.58	25.75
Group IV.....	84,333	70.0	30.0	460,341	61.6	38.4	445.8	224.16	31.27
Group V.....	68,701	37.0	63.0	129,168	41.4	58.6	88.0	364.00	27.73

Table Showing Land Tenure, 1910, in the Five Groups³

	Total farms.	Farms operated by owners	Cash tenants	Share tenants
Group I... ..	22,869	12,368 (54.08)	1,003 (4.39)	9,498 (41.53)
Group II.....	73,540	25,080 (34.11)	12,613 (17.15)	35,847 (48.74)
Group III.....	137,512	35,045 (25.48)	57,147 (41.56)	45,320 (32.96)
Group IV.....	53,138	24,387 (45.90)	11,134 (20.92)	17,617 (33.15)
Group V.....	4,152	3,428 (82.56)	436 (10.50)	288 (6.94)

The tables reveal strikingly dissimilar conditions in the several groups. The proportion of whites in the population varies from 92.6 per cent. in Group I to 38.9 per cent. in Group III (the Black Belt); the percentage of increase of population since the Civil War varies from 58.9 per cent. in one section to 445.8 per

² This table was compiled from U. S. Census, 1870, the Bulletin of the 1910 Census on Georgia Population, and the 1910 *Report of the Comptroller General of Georgia*, Tables 15 and 17. Of course, the data does not appear in the Census reports in the above shape. It was necessary to rearrange the counties into the proper groups and work out the additions and percentages.

³ U. S. Census, 1910, *Bulletin on Agriculture in Georgia*. Minor changes may be made in the Census data before final publication.

cent. in another, the percentage of farms operated by owners to all farms runs from 82.56 per cent. in Group V to 25.48 per cent. in the third division. Share tenants are in the ascendancy in Groups I and II, while cash tenants form the most important element numerically in the agricultural population of Group III. The per capita wealth is much higher in some sections than in others. It seems, therefore, worth while to inquire into the causes of these divergencies.

Of the five divisions, the Coast is at once the oldest and the most backward in agriculture. In 1910 the proportion of negroes to the total population was high and the percentage of farms operated by owners higher than in any other group.

The Black Belt, Group III, is the oldest cotton region of the state, the most important historically, and the largest in area. The belt is so laid off as to include all of the ante-bellum plantation counties (except those of the Coast), and also all other counties which have acquired a black majority since 1870. Several counties with white majorities are unavoidably included in this group. It will be noted that the percentage of blacks in the total population has increased since 1870. This is the region where most of the large plantations are found.

The Upper Piedmont, Group II, was being settled contemporaneously with the Black Belt, but by a wholly different element, the small farmer. All these counties had a white majority in 1870, and the proportion of whites to blacks has increased during the last forty years. While this section contains only about fifteen per cent. of the total area of Georgia, it is a region of great wealth, being surpassed in this respect only by the Black Belt, which, though three times as large in area, can boast of but 25 per cent. more wealth. The per capita wealth of the Upper Piedmont is far higher than in the other sections.⁴ The population of this region has grown with great rapidity, having increased 153.4 per cent. since 1870. This growth is partly due to the fact

⁴ The high *per capita* of the Coast Counties is due to the fact that the district is small, containing only six counties, and of these, one, Chatham, furnishes sixty per cent. of the population and about eighty per cent. of the wealth, Savannah real estate being the principal item. If Chatham be omitted, the *per capita* for the other counties is \$220.08.

that this part of Georgia has been the center of the recent industrial development.

In point of economic development, the Wiregrass, Group IV, is the newest part of Georgia. Until the use of commercial fertilizers revolutionized the cotton industry, the Wiregrass was not highly esteemed as farming land. For many years lumbering was the leading industry. This section is now developing more rapidly than any other part of the state, its easily cultivated land, offered at reasonable prices, attracting thousands of farmers not only from the Mountain counties and the Black Belt, but from other states. The majority of the population is white.

A. Group I: The Mountain Counties

The southern extremities of the Appalachian chain run across the northernmost tiers of Georgia counties, the Blue Ridge in the northeastern corner and a number of ranges in the northwestern corner. The Blue Ridge section includes ten of the counties of this Group. The valleys of the Blue Ridge vary from 1,600 to 1,800 feet above sea level, several of the peaks running over 4,000 feet in height. In the northwestern part of the Group, the valleys range from 600 feet upwards, while the highest peaks are about 2,500 feet above sea level.⁵ The lower counties of the northwestern section, Floyd, Polk, and Bartow, are important in agriculture and are included in the second group.

The soil of the northwestern counties is largely limestone, well suited to cereal production. The Blue Ridge counties are metamorphic, and here the fruit and vegetable industries have grown to important proportions. The mineral wealth of the Mountain counties is great and is now being developed. Coal, iron ore, and marble are present in abundance.

Little cotton is produced in this group, less than two per cent. of the total crop of the state being raised here. The soil and climate are unfavorable to staple production. The region is characterized by the small white farming element and a self-suf-

⁵ *Georgia Historical and Industrial*, 1901, pp. 36-40, 148. Published by Georgia Department of Agriculture. U. S. Census, 1880, VI, *Cotton Production*, pp. 276-442. Both publications contain physiographic maps of Georgia and detailed descriptions of every county.

ficing economy. So large a proportion of the soil is mountainous and hence unfit for agriculture that the population is relatively sparse and land values low. In only ten counties is the average value of farm lands above ten dollars, and in some counties it is much lower.⁶

The counties of this group, except Rabun and Habersham, were in Cherokee country, acquired from the Indians so recently as 1837. This tract, the last of the Indian lands, was surveyed into lots in 1832 and distributed by a lottery system the same year.⁷ Political and legal complications prevented the expulsion of the Cherokees until 1837, but in spite of their presence, and in defiance of law, settlers poured in, attracted by the discovery of gold in the mountains. The soil was unattractive for agricultural purposes, but the gold fever drew thousands of adventurers, many of whom remained after the short-lived boom was over and lands had fallen in price. The forty-acre lots were sold by the original drawers for from ten to twenty dollars, as soon as it was known that the gold was very limited in quantity. The immigrants to this last Georgia frontier were of Scotch-Irish extraction, coming in from Virginia and North Carolina. Many Middle Georgia people were also among the early comers. They were a crude, uneducated people, and in the north-eastern counties have remained to the present day almost untouched by the civilizing influences of the lower country. The opening of the state railroad from Atlanta to Chattanooga, in 1851, effected a great transformation in the northwest. The northeast, or Blue Ridge section, remained without railway facilities until the seventies, when the Southern Railway and its branches opened up the country. During the last few decades, Group I has been declining in population. Eight counties, seven of which were in the Blue Ridge region, had a smaller population in 1910 than in 1900,⁸ the loss ranging from 9 to 26 per cent. Three counties show a healthy growth. Many mountaineers have migrated to the Wiregrass section, but the principal cause of the loss of popu-

⁶ U. S. Census, 1910, *Bulletin: Agriculture in Georgia*, map, p. 2. The map is reproduced in the appendix, *post*, p. 129.

⁷ Smith, G. G., *Story of Georgia and the Georgia People* (Atlanta, 1900), pp. 422-423.

⁸ U. S. Census, 1910, *Bulletin: Georgia Population*, map, p. 6.

lation is to be found in the fact that the mountain people are the source of labor supply for the cotton mills.⁹

The important facts as to the tendencies in the farming situation are shown in the following table:

LAND TENURE IN GROUP I ¹⁰

ALL FARMERS

Year	Total farms	Percent. of all farms in state	Operated by owners	Cash tenants	Share tenants
1880	15,862	11.43	66.74	2.17	31.09
1890	17,632	10.32	61.78	1.91	36.31
1900	21,915	9.76	56.60	3.13	40.27
1910	22,869	7.85	54.08	4.39	41.53

WHITE FARMERS

1900	20,802	14.60	58.33	3.02	38.65
1910	21,631	12.83	55.40	4.30	40.30

NEGRO FARMERS

1900	1,113	1.34	24.80	5.20	70.00
1910	1,238	1.01	30.77	5.81	63.42

The negro farmer is an insignificant element in this group, 95 per cent. of all farms being operated by whites. The percentage of farms worked by owners is high, but is decreasing, due to the fact that many small farmers have sold their unprofitable holdings and migrated to other sections of the state, their small farms tending to be merged into large units. There is practically no cash renting. This prevalence of share tenancy is characteristic of those groups of counties containing white majorities, as will appear in the more detailed discussion of tenure in Group II.

B. Group II: The Upper Piedmont

This group contains all those counties of the Piedmont Plateau south of the mountains whose population in 1910 was predom-

⁹ *Reports on Georgia Plantation Districts*, I, p. 3.

¹⁰ This Table was compiled from Census reports. See *post* p. 122.

inantly white. The map¹¹ shows this region as a belt extending across the state, two counties deep on the Savannah River and widening to a depth of five counties on the Alabama line. The counties of the group are similar in their physical characteristics, except that Floyd, Bartow, and Polk are geologically of the northwestern group. The Piedmont or metamorphic region extends southward to the fall line of the rivers. This line passes through Richmond, Bibb, and Muscogee counties. The surface of the country is rolling and hilly, though rarely so broken as to make agriculture unprofitable. The red hill is characteristic of the section. Red sandy, red clayey, and gray sandy soils are found in every county.¹²

The settlement of the Upper Piedmont began in 1784¹³ with the laying off of Franklin county on the Savannah river. All lands east of the Oconee river were distributed under a "Head-Rights" system. Each settler was offered two hundred acres of land as his individual head-right, and fifty acres in addition for each child or slave he brought. Later a limit of one thousand acres per family was set. As the land was good, the region was settled rapidly, the first county, Franklin, having a population of 9,156 whites and 1,041 negroes in 1810, though the county had been greatly reduced in area by parts being laid off into new counties. The settlers were Scotch-Irish people from the Carolinas. Their fathers had taken part in the great movement of the Scotch-Irish from Pennsylvania down the Shenandoah Valley.¹⁴ They were typical frontiersmen, rough, uncultured, without property, but of a sturdy, independent spirit. They settled down as small farmers, producing practically everything they consumed. With each new cession of Indian lands, these small farmers or their sons pushed westward, until in 1826 the Alabama line was reached. At every stage of their westward march, their numbers were reinforced by the non-slaveholding farmers who were being gradually dispossessed in the Black Belt. This region, being cut up into relatively small farms, worked by white owners, escaped in large measure the exploitative system of agri-

¹¹ See *post*, p. 127.

¹² *Georgia Historical and Industrial*, p. 153.

¹³ Watkins, Robert and George, *Digest of the Laws of the State of Georgia* (Philadelphia, 1800), p. 291.

¹⁴ Smith, *Story of Georgia*, pp. 152-153.

culture which dominated the Black Belt.¹⁵ The small farmers had not the means to effect the transformation from farmer to planter, after the invention of the cotton gin made large-scale cotton production possible. The planters tended to move in a southwesterly direction, beginning at the Savannah river, thinking the land further north to be infertile, so that few negroes were brought into the Upper Piedmont. The section was distinctly a white one, only 31.4 per cent. of the total population in 1870 being colored. This proportion has declined: in 1910 the blacks were 29 per cent. of the whole.¹⁶

It has been customary to regard southern ante-bellum society as consisting of only two classes besides slaves, the planter aristocracy and the "poor whites." Here in the Piedmont region of Georgia was a third element, the small farmer, quite as distinct from the mountaineer and "piney-woods cracker" as he was from the planter. He belonged to a middle class, in every way comparable to his contemporaries in the free North and West.¹⁷

The following table indicates the direction of the tenure movement at the four Census periods:

LAND TENURE IN GROUP II
ALL FARMERS

Year	Total farms	Per cent. of all farmers in state	Operated by owners	Cash tenants	Share tenants
1880.....	38,292	27.63	57.70	5.63	36.67
1890.....	44,073	25.76	47.34	7.52	45.14
1900.....	57,841	25.74	37.95	13.73	48.32
1910.....	73,540	25.24	34.11	17.15	48.74

WHITE FARMERS

1900.....	45,060	31.79	45.76	12.13	42.17
1910.....	55,245	32.76	41.67	14.49	43.84

COLORED FARMERS

1900.....	12,781	15.43	10.73	19.36	69.91
1910.....	18,235	14.93	11.22	25.18	63.60

¹⁵ Brooks, R. P., *Race Relations in the Eastern Piedmont Region of Georgia*, in *Political Science Quarterly*, June, 1911, p. 200.

¹⁶ See Table, *ante*, p. 70.

¹⁷ Stone, A. H., in *The South in the Building of the Nation*, V, p. 139. The author scouts as absurd the idea that non-slaveholders were an economic cypher in the South. In the upper Piedmont region, 200 by 400 miles in extent, there were a million of these people and only a hundred thousand negroes.

The number of farms increased nearly 100 per cent. in the three decades after 1880. Farms operated by owners, while absolutely increasing at a fair rate, declined relatively from 57.70 to 34.11 per cent. of all farms. Several explanations may be offered of this fact. Small farms, owned by their operators, having been the rule throughout the history of the section, and the land having been practically all taken up prior to 1870, there was not so large an opportunity for the spread of small ownership as was the case in the Black Belt or the Wiregrass. Secondly, since the border counties on the southern edge of the group partake to some extent of the characteristics of the Black Belt, a considerable number of large farms or plantations existed there in antebellum days. These plantations underwent the process of nominal disintegration described in a former chapter, wage earners becoming "croppers," and, being classed as tenants, the percentage of farms operated by owners was lowered. A concrete instance of this sort may be cited. The writer visited a plantation of 1,500 acres in Coweta county.¹⁸ The owner lived in the town of Newnan, his plantation being managed by a resident overseer. The overseer closely supervised the laboring population, consisting of twenty-five croppers and five day laborers. The Census enumerates this plantation as twenty-six farms; one, that of the owner with his five laborers, the remaining twenty-five being those of the share tenants. That the plantation was essentially a unit is clear from the nature of the supervision. The kind and acreage of all crops to be grown was determined by the landlord, who also fixed the days when the tenants must work, as in the case of his day laborers; work was begun and ended by the tap of the plantation bell, and all of the crops were marketed by the landlord.¹⁹ ✓

A third reason why ownership has not been widely extended in this region is that, because of the high type of farming and the good treatment the soil has received at the hands of small white farmers, lands have so appreciated in value that tenant farmers are unable to buy. Nine of the eleven counties in Georgia which in 1910 showed an average land value of from \$25 to \$50 per acre

¹⁸ *Plantation Schedules*, 1911, no. 37.

¹⁹ *Ibid*, no. 38 is a similar case.

(the highest values in the state) were in this group.²⁰ The extent to which the section is developed is indicated by the fact that it is the region of the densest population in the state, and that in nine counties 90 to 100 per cent. of the land area is in farms, and in thirteen other counties from 80 to 90 per cent. Between 1900 and 1910 real estate values in Franklin, Jackson, Madison, Walton, and Hart counties (considered as a group) advanced 253 per cent.²¹ Cases are reported of tenants' having cash to buy land, but being prevented from so doing by the high prices. Share farmers, however, are able to stock rented farms, so that a comparatively high type of renter is to be found in the district. The writer was impressed by the fact that the feeling in this group as to the evils of renting is not so pronouncedly hostile as in other sections.²² One large planter stated that his renters made as much profits as the wage earners or croppers, "because they are a superior class of whites."²³ All of the plantation schedules taken in this group contain statements that the planter prefers white to negro labor,²⁴ but the consensus was that the negroes are of a higher type in this district than in the Black Belt, an opinion which is accounted for by the fact that they are numerically a small element in the population, and have felt the effect of white stimulus and competition.²⁵ Many negroes are felt to deserve the position of renters. Still another reason why renting is not felt to be so unsatisfactory is that the rent contracts are not the usual one-year arrangements, but commonly run for a term of years. Planters say that this makes for good farming. The contracts are in writing and contain provisions intended to prevent the exhaustion and deterioration of the soil.²⁶

²⁰ See Map, *post*, p. 129.

²¹ *Reports on Georgia Plantation Districts, 1911*, Report no. 2, p. 2.

²² *Ibid*, pp. 2-3.

²³ *Plantation Schedules, 1911*, no. 38.

²⁴ *Ibid*, nos. 1, 3, 37, 38.

²⁵ *Reports on Georgia Plantation Districts, Report no. 2*, p. 5. Brooks, *op. cit.*, pp. 204-7.

²⁶ *Plantation Schedules, 1911*, no. 3. The following is an extract from the contract used. After reciting that the contract shall run from Nov. 1, 1908 to Nov. 1, 1912, the tenant "also agrees and promises to look carefully after the orchard on said farm and to plow it up at least twice during each year, also to keep the weeds and grass cut off the terraces and the low places on the terraces

The most significant fact revealed by the statistical table is the relative positions of the two forms of tenancy. Comparatively few tenant farms are operated by renters, or cash tenants, the percentage of share tenants having been higher in 1880 than in any of the groups, and having maintained its lead up to the present. Especially is this true in the case of negro tenants, 63.60 per cent. of their farms being held on this tenure in 1910. The explanation of the prevalence of "cropping" is that the majority of Upper Piedmont farmers who employ labor live on their farms, are in a position to give effective supervision, and insist on the share arrangement. Of the white farms, 14.49 per cent. and of the black 25.18 per cent. are in the hands of independent renters. As has been said, some of these renters are of a superior type, but it is stated that absenteeism is tending to increase in some of the counties,²⁷ and as absenteeism and independent renting go together, it is likely that a part of the renters of the group are of the same sort as those of the Black Belt.

Some confusion in the statistics of this group arises from the fact that the Census classifies as share tenants the "third-and-fourth" share farmers, *i. e.*, those who pay a third of the corn and a fourth of the cotton as rent. This system, once common throughout Georgia, has disappeared except in Groups I and II. Planters regard this form of tenancy as renting, because the third-and-fourth farmer supplies his own stock, tools, and support, and is not subject to supervision. A majority of white share tenants are said to be of this class, while the negro tenants are said to be "croppers," or half-share farmers.²⁸

In 1860, the Black Belt produced 82.87 per cent. of all the cotton grown in Georgia. Every succeeding decade has witnessed a decrease in the relative importance of this belt: in 1910 it produced 57.98 per cent. of the entire crop. The Upper Piedmont,

filled up, also to keep the banks of the creeks and branches cleaned off down to the water, . . . also to furnish all necessary labor free of charge to terrace the land, provided the said party of the first part furnishes the terracer and terracing implements; and also to make all necessary repairs [on the buildings] . . . all the above to be done as part of the rent. The said [tenant] also agrees to sow as much as [blank] acres each year in wheat or oats as the said party of the first part may direct, etc."

²⁷ *Reports on Georgia Plantation Districts*, Report no. 1, p. 4.

²⁸ *Ibid*, Report no. 2, p. 4.

on the contrary, produced only 88,670 bales in 1860, or 12.67 per cent. of the total crop. In the fifty years following, while the Black Belt has barely doubled her output, the Piedmont section has increased hers 377 per cent.²⁹ This development is one of the most noteworthy facts in the post-bellum history of the state, and is attributable to a variety of causes. First in importance is the character of the population, a small white farmer element. The superiority of the white farming was indicated by the Census of 1880,³⁰ wherein it appeared that the per acre product of Group II was .398 bales, while in the Black Belt, Group III, the average was .286 bales. This superiority has been maintained. Secondly, the majority of the farmers in ante-bellum days did their own work, having few slaves; hence their operations were less disturbed by the *débaçle* of emancipation, and recovery was quick. In the third place, commercial fertilizers made cotton production much more profitable in this section,³¹ as the best cotton lands were further south. The comparative absence of independent negro farmers, the rapid extension of railroads, and the use of superior farming implements,³² favored the development of the group.

A study has been made of the relative conditions of the black population in certain counties of this group in comparison with conditions prevailing in contiguous counties of the Black Belt.³³ It was shown that the influence of a preponderant white population was altogether favorable to the colored farmers. The per capita wealth of negroes in the white counties was higher than in the black counties, the percentage of landowning negroes was in inverse ratio to their numbers—highest where they were the smallest element of the population; the croppers or share tenants made greater profits than did the renters, and the school facili-

²⁹ See Table *post*, p. 124 for a compilation showing the acreage and production of cotton in Georgia. The five Groups are given separately for each Census year since 1860. The table shows the percentage each Group's production has been of the whole output, the relative acreages and the product per acre since 1880. This table was compiled from Census reports.

³⁰ *Ibid.*

³¹ Avery, I. W., *History of Georgia, 1850-1881* (New York, 1881), p. 643. Grady, Henry W., in *Harper's Magazine*, October, 1881.

³² U. S. Department of Agriculture, *Report*, 1876, p. 127. "Wherever white labor is predominant, labor-saving implements are coming into general use."

³³ Brooks, *op. cit.*

ties of the negroes were better in the white counties. That these conclusions are applicable to the entire sections may be seen from the fact that 11.22 per cent. of the negro farms of Group II are operated by owners, while for the Black Belt the percentage is 9.13. The negroes' *per capita* wealth is higher in the Upper Piedmont than in the Black Belt.

CHAPTER VI

THE BLACK BELT: ECONOMIC HISTORY AND LAND
TENURE MOVEMENTS

The Black Belt of Georgia embraces a variety of physiographic divisions and soils.¹ That part of the Belt which lies north of the fall line of the rivers is a rolling and hilly country of metamorphic soil, as it is a continuance of the Upper Piedmont. Below the fall line a narrow strip of sandhills crosses the state, and then comes a belt of oak, hickory, and long leaf pine uplands, covering about a third of the Black Belt. The remainder of the section is a limesink and wiregrass region. Below the fall line the country is generally level and the soil gray and sandy, though red hills and a considerable amount of clay lands occur.²

The settlement of the Black Belt counties extended over a century, beginning about the middle of the eighteenth century, on the Savannah River, and pushing westward by regular stages. Successive waves of frontiersmen, small farmers, and cotton planters moved in a westward and southwestward direction until shortly before the Civil War the extreme southwestern counties were filled. Burke, Columbia, and Wilkes Counties were the scene of the first frontier settlements in Georgia, after the peopling of the coast. Immigrants direct from Europe occupied the coast region, but these middle Georgia counties were settled by Americans pushing down from Virginia and the Carolinas. Burke County is believed to have had white inhabitants before Oglethorpe came in 1733, probably Indian traders from the Carolinas.

Three years before the Revolution there was obtained from the

¹ U. S. Census, 1880, VI, *Cotton Production*, p. 277, Map.

² *Georgia Historical and Industrial*, pp. 156-162.

Creeks³ a cession of land from which many counties were carved, such as Wilkes, Elbert, and Lincoln. This land was at once thrown open for settlement under the headrights system. The early comers were from the same class of people that filled the Upper Piedmont. The first wave of frontiersmen was followed at the close of the Revolution by men in better circumstances, Virginians constituting the most important element.⁴ Exhaustion of their tobacco fields was the immediate cause of the migration. As in the case of the settlers of the Upper Piedmont, the new comers practiced for a generation a self-sufficing economy: cattle raising, diversified agriculture, and home manufactures characterized their industrial life. But the invention of the cotton gin in 1793, and the development of the cotton industry in the two decades following, revolutionized the economic life of the Lincoln and Wilkes County farmers. Being men of large ideas, possessing more property than their fellows in the Upper Piedmont, and occupying a soil admirably suited to cotton culture, the Virginian element quickly evolved into large-scale producers of cotton. Gradually the holdings of the less efficient were acquired, cattle ranges were put to the plow, and the small farmer and herdsman moved westward to squat on fresh lands. Exhausting their original holdings, the planters soon pushed on after the frontiersmen and small farmers, bought their clearings and created new plantations. This process involved social differentiation, society becoming highly stratified, with the planter element of course at the top. Their economic dominance was reflected in political life and presently the planters controlled the State and wielded a powerful influence in national politics during the ascendancy of the cotton South just prior to the sixties.⁵

Something of the process above sketched is indicated in the population statistics of the eastern counties of the Belt.

³ Phillips, U. B., *Georgia and State Rights* (Washington, 1902), p. 39.

⁴ Gilmer, G. R., *Georgians*, Introduction, pp. 5-6. These Virginians were not the ordinary pioneer type of settlers, but appear to have been people of some consequence. They transplanted to Georgia the contemporary Virginian civilization and were to some extent a distinct element in the population.

⁵ Smith, *Story of Georgia*, pp. 126-145, 196-200.

Typical Counties in the Black Belt, showing the Decline of the White Element and Increase of Negroes.

Year	Lincoln		Warren		Hancock		Greene		Putnam	
	White	Black	White	Black	White	Black	White	Black	White	Black
1800	3326	1440	6252	2077	9605	4851	7097	3664
1810	2331	2224	5659	3065	6343	6481	6398	5231	6771	3253
1820	3378	3080	6570	4100	5847	6897	6599	6990	8203	7267
1830	2824	3321	6152	4704	4693	7217	5626	7523	5513	7743
1840	2527	3368	5176	4513	3697	5062	4641	7049	3741	6519
1850	2127	3811	6158	6257	4210	7363	4744	8324	3200	7494
1860	1675	3791	4347	5473	3871	8173	4229	8423	2956	7169

A similar table for counties in the Upper Piedmont shows a very different tendency, whites outnumbering blacks from the beginning of settlement and their preponderance increasing at every census period up to the present time. In the Black Belt, in the first two decades of the nineteenth century the small farmer was the dominant element, outnumbering the planters and their slaves. By 1830, however, in many counties negroes outnumbered whites, and during the next decade forged far ahead. Each census period showed a steady absolute decline of whites and a large increase of negroes, indicating the departure of the small farmer and the increase in the size of slave- and land-holdings of the planters. The Indian frontier rapidly receded in the first quarter of the nineteenth century. The frontiersmen were usually on the border waiting for the first signal to move over.⁶ The planter was not far behind. Gradually the entire region now known as the Black Belt was settled in this way. Early County in extreme southwest Georgia was laid off as early as 1818, and included all that section of the State. Population was, however, very thin, until the Central of Georgia Railway opened up the country in the fifties. By 1860 the plantation regime was established in that section.⁷

The subordination of all other agricultural interests to large-scale, slave-produced cotton entailed the abandonment of the di-

⁶ Phillips, U. B., *Plantation and Frontier*, II, pp. 187-193. An excellent contemporary account of the repeated movings of a small farmer.

⁷ Smith, *Story of Georgia*, pp. 323-5, 400-405.

versified farming of the early period. While many planters produced practically everything necessary to their maintenance and comfort, yet, on the whole, not enough meat and corn were raised for home consumption, and large quantities of food stuffs were annually imported from the Middle West. Absence of diversification and rotation of crops quickly exhausted the primary fertility of the soil. DeBow, writing in 1854,⁸ thus described Middle Georgia:

"The native soil of Middle Georgia is a rich, argillaceous loam, resting on a firm, clay foundation. In some of the richer counties, nearly all the lands have been cut down, and appropriated to tillage, a large maximum of which have been worn out, leaving a desolate picture for the traveller to behold. Decaying tenements, red, old hills, stripped of their native growth and virgin soil, and washed into deep gulleys, with here and there patches of Bermuda grass and stunted pine shrubs, struggling for subsistence on what was once one of the richest soils of America."

When the small number of the planters is considered, their dominance in the social, political, and economic life of the State is very striking. Of the 118,000 families in Georgia in 1860,⁹ only 41,084 owned slaves. But 27,191 slaveowners possessed less than ten slaves each. Many of these slaveholders were of the professional and merchant classes of the town. Only 6,363 slaveowners had twenty or more slaves. These may be called the large-scale planters. Outside the circle of slaveowners, there were about 77,000 non-slaveholding families, most of whom were engaged in agriculture. Sharp variations existed in the condition of this element of the population. The stationary mountaineers never came into contact with slavery, the more active small farmers of the Black Belt moved into the Upper Piedmont, swelling the numbers of the dominant non-slaveholding element there, and assisting in building up a healthy region of small holdings. Still another element, unable to maintain themselves against the trend of the times, lacking the means and initiative to develop their small holdings or to get out of the region controlled by the planter, unwilling to work for wages in competition with slave labor, drifted

⁸ DeBow, J. D. B., *Industrial Resources, Statistics, etc., of the United States*, N. Y., 1854. I, p. 363.

⁹ U. S. Census, 1860, *Agriculture*, pp. 226-227.

into the barren and waste places, and there led a miserable existence. They were entirely cut off from the society of the planter class and all it represented; they knew nothing of the movements in the world about and beyond them; they accumulated nothing, rarely acquired the rudiments of an education, and were utterly disregarded by the other elements of society—even the slaves on the large plantations holding them in contempt.

It is unnecessary to rehearse here the effects of Civil War and emancipation on the Black Belt. Former chapters have described the complete disorganization of labor, the attempt to revive the plantation regime, the rise of share farming and of renting. The older portion of the Black Belt responded very quickly to the new influences. Negroes moved away by thousands, and in order to prevent the depletion of the section of all laborers, planters were obliged to rent lands, *i. e.*, to abandon the plantation system. The rapidity of the subdivision of plantations in the older part of the Black Belt is indicated by the following table:

TABLE SHOWING THE DISINTEGRATION OF PLANTATIONS IN TYPICAL COUNTIES OF THE OLDER SECTION OF THE BLACK BELT¹⁰

	10-20 acres		20-50 acres		50-100 acres		100-500 acres		500-1000 acres		1000 acres	
	1860-1870		1860-1870		1860-1870		1860-1870		1860-1870		1860-1870	
Burke	8	83	50	245	99	467	315	39	100	10	71	0
Ozlethorpe	8	9	34	142	98	245	259	395	30	22	7	2
Putnam	1	2	6	39	16	100	157	161	65	9	29	0

The plantations of 1,000 acres or more almost entirely disappeared in ten years, as well as 80 per cent. of those in the 500 to 1,000 acre group, and in Burke County, the oldest of the group, few in the next class survived.

The following table shows the principal facts in connection with the matter of land tenure.

¹⁰ *Ibid.*, 1860, *Agriculture*, p. 196; 1870, *Wealth, Debt, and Taxation*, pp. 343-349.

TABLE SHOWING LAND TENURE IN GROUP III¹¹
ALL FARMERS

Year	Total farms	Per cent. of all farms in state	Operated by owners	Cash ten- ants	Share ten- ants
1880.....	66,773	48.18	45.48	21.00	33.52
1890.....	85,530	50.00	35.69	26.08	38.23
1900.....	108,246	48.16	30.10	40.54	29.36
1910.....	137,512	47.22	25.48	41.56	32.96

WHITE FARMERS

1900.....	49,470	34.90	54.80	29.40	15.80
1910.....	53,743	31.87	51.00	30.44	18.56

NEGRO FARMERS

1900.....	58,773	70.96	9.20	49.90	40.90
1910.....	83,769	68.35	9.13	48.69	42.18

While the number of farms increased more than one hundred per cent. in the Black Belt between 1880 and 1910, the number of farms operated by owners increased only 15.3 per cent. In the period which witnessed an absolute increase of only 4,675 additional farms operated by owners, tenant farms increased 66,109, or 181 per cent. Since more than 60 per cent. of all the Black Belt farms are operated by negroes, only 9.13 per cent. of whom operate their own farms, the low character of farming in this region may be inferred. This is the region of tenancy *par excellence*, 75 per cent. of all farms being in the hands of that class of farmers. Ninety per cent. of the negro farmers and nearly 50 per cent. of the white farmers are tenants.

The tendency has been for the whites of the Black Belt to leave the farm, the heads of families locating in the county towns, renting their lands to negroes or whites, and often going into merchandising, while the active sons have moved entirely out of the region to take business positions in cities. Many of the poorer whites have entered cotton mills. The Columbus (Muscogee County) district is a case in point. The counties in that part of the Belt have steadily lost their white population. Isolation of

¹¹ See *post.* p. 123.

white families, increasing criminality among the negroes, lack of school and church facilities, drove the whites into Columbus, a thriving city. There are more cotton mill operatives in Columbus than there are white farmers in nine surrounding counties on the Georgia side. It is well-known that nearly all of these operatives have come from adjacent rural districts.¹² Many other white families have moved to the Wiregrass country of Southeast Georgia. The better class of white owners are able to live on their rents; others, by combining the supply business with renting land to tenants, gain a competence. In this way the rural parts of the Black Belt have tended to grow blacker. Of all negro farms in the state, 68.35 per cent. were in 1910 in this region, whereas only 31.87 per cent. of all white farms are in the group. In 1870, negroes were 60 per cent. of the population, in 1910, 61.1 per cent.¹³

Reference to the land tenure table shows that the most numerous class of farmers are the cash tenants. This is the most fundamental point of difference between the agricultural labor situation here and in the white sections of the state, the share system being in the ascendancy in the white regions. This fact has already been explained, but it will bear reiteration. Many land-owners moved to the towns; a numerous class of merchant land-owners came into existence; these absentee landlords everywhere rented their lands. Resident landlords, competing with absentees for laborers, were obliged in many cases to rent lands, or see them lie uncultivated. This movement reached its high-water mark in 1900, when 49.90 per cent. of negro farmers were cash tenants. These renters were practically independent of the planters. The slavery system had not made for conservation of the land, improved methods of agriculture, nor frugality. Slaves, of course, learned little of these matters. The necessary consequence was that when the freedmen became renters under no efficient supervision, in a part of the state where contact with small white farmers, with better habits and better methods of

¹² *Reports on Georgia Plantation Districts*, Report No. 9, pp. 2 and 3. The Black Belt is so great in extent that it was necessary in the investigation of 1911 to subdivide it into several districts. District Reports 3, 6, 7, 8, 9, 10, and part of 4 cover this Group.

¹³ See Table, *ante*, p. 70.

farming, was impossible, they settled down to unintelligent cotton raising, living from hand to mouth, and became the poorest class of farmers to be found in any civilized country.

The table shows that in the decade 1890 to 1900 cash tenancy grew very rapidly, accompanied by a decline in share farming. It was predicted by those who favor the position of renter for the negro that share tenancy had reached its highest development and that the negroes were freeing themselves from the supervision of the share system, which was described as "slavery under a new name." This sudden growth of cash tenancy, however, reflected no credit whatever on the negro race, and indicated industrial retrogression, not advance. Agriculture reached a very low ebb in the Black Belt in the nineties, when, added to the other trials of the employers of labor, a prolonged period of depression afflicted the cotton South.¹⁴ The immediate effect of this depression (cotton fell below five cents) was to impel more farmers to give up farming and to accelerate the townward movement. Renters were naturally substituted for share hands under these circumstances. Many small farmers lost their holdings in this decade, being sold out by merchant creditors. These new owners rented to negroes and looked to the supply end of the business for their profits. It is true that the negro gained a little more personal freedom by the change, but at the same time he sacrificed his best opportunity for economic advancement. His position as a renter was indeed a hard one. He could not afford to purchase efficient stock, improved implements and high-grade fertilizers; he was either not alive to the agricultural changes going on about him, or, knowing of the new methods, he was unable to introduce them.¹⁵ This extension of renting became so marked that resident planters found it almost impossible to secure laborers. In many cases known to the writer, farmers had to draw on the negro population of the towns, hauling them six or seven miles, to and from the fields every day.

At the close of the period of depression it is interesting to have expert testimony as to the effect of this renting. The Commis-

¹⁴ *Report of the Industrial Commission, 1900, X.*, pp. 445, 458.

¹⁵ *Reports on Georgia Plantation Districts*, Report no. 8, pp. 3, 4.

sioner of Agriculture, testifying before the Industrial Commission, stated:¹⁶

"We think the tenant system as a whole has a tendency to reduce the average production per acre of most of our crops, because a great deal is left to the management of the unintelligent negro farm hand, the landlord being interested to only the extent of his rent."

To the same effect was the testimony of a Connecticut man, who had come to Houston County to engage in the peach industry. In his opinion it was a mistake to suppose the negro to be an inferior laborer. He had never had as good workers in New England. The real difficulty in the agricultural situation, as he saw it, lay in the circumstance that

"There is too little of the owner's direct management, because with the renting and tenancy there is the tendency I spoke of before, of half-way work, neglect to look after it."

The result of this sort of farming may be gathered from the statistical tables.¹⁷ The *per capita* of wealth for both whites and blacks is low. In fourteen of the counties of the Belt the value of farm lands is below ten dollars per acre.¹⁸ In only two counties does the average value come within the twenty-five to fifty dollar class, while in the much smaller Upper Piedmont there are nine such counties. In cotton production, the output of the Black Belt has at each decade been a smaller part of the total for the state,¹⁹ declining from 82.87 per cent. in 1860 to 57.98 in 1910, while the per acre product keeps steadily behind that of the white sections north and south of the Belt.

A great change has been coming over the Black Belt in the last decade. The high price of cotton between 1900 and 1910; the stimulus to better methods resulting from the activity of the College of Agriculture; the noteworthy improvement in the roads since the convict lease system was abolished and the prisoners began to be used on the public roads; and the bettering of rural schools have contributed to reawaken the interest of Black

¹⁶ *Report of the Industrial Commission*, 1900, X, 379, 907.

¹⁷ See Table, *ante*, p. 70.

¹⁸ See Map, *post*, p. 129.

¹⁹ See Table, *post*, p. 124.

Belt landowners in farming. In some counties the tide of white migration to towns has been checked. The result has been a general improvement in rural conditions. Many facts may be adduced to show the truth of this statement. The value of all farm property in the state increased in the last decade 154.2 per cent. against 32.2 per cent. in 1880-1890, and 20.7 per cent. in 1890-1900.²⁰ The average value of farm lands and buildings per acre advanced from \$6.95 in 1900 to \$17.78 in 1910, while the average value of land alone increased 167.4 per cent. Furthermore, while there was a decrease of 21.2 per cent. in the number of acres per farm, the improved acreage increased 15.8 per cent. These figures are for the state as a whole, but all sections participated in the appreciation of values. This revival of agriculture has had a most significant influence on land tenure in the Black Belt. Between 1890 and 1900 renters increased from 26.08 per cent. of the whole body of farmers to 40.54 per cent., while share tenants declined from 38.23 per cent. to 29.36 per cent. During the last decade, however, while cash tenancy barely holds its own, the bulk of the new farms are share tenants' holdings, this class of farmers not declining in numbers as in the preceding decade, but growing from 29.36 to 32.96 per cent. of the whole. The meaning of this change is that supervision on the part of owners is increasing.²¹ Planters all over the Belt are alive to this change, and they are unanimous in holding that it means a return to better farming methods. The change is especially noteworthy in the case of negroes. For the first time, comparative data by races at two census periods is available. The table above shows that while renting has increased to some extent among whites, the percentage of negro renters declined during the decade, while there was a slight increase of share tenants. Inquiry on the ground brought out the fact that the resident planters were the first to change the system of tenancy. On plantations operated with a mixed laboring force of wage hands, croppers, and renters, the tendency has been strong to reduce the number of renters, even though it entailed letting the land lie idle. Many planters intend to displace all renters as rapidly as possible. The feeling

²⁰ U. S. Census, 1910, Bulletin: *Agriculture in Georgia*, pp. 4, 5.

²¹ *Reports on Georgia Plantation Districts*, Report no. 8, p. 4; no. 9, p. 3; no. 6, p. 4.

is that lands which are increasing in value at so great a rate cannot longer be allowed to remain in inefficient hands.²²

In some counties, an interesting compromise is being tried, looking to a combination of the best features of renting and share farming.²³ Possibly the most important objection the average negro has to the share system is that the landlord owns the work animal used by the tenant and refuses to allow indiscriminate use of the animal for riding purposes. Where an animal is available, it is the negro's custom to spend his nights and Sundays riding over the country, attending "revival" meetings, which frequently last months, lodge meetings, and other festivities. This use of work animals cannot be tolerated by the owners, and consequently the cropper feels his social activities curtailed. As a renter, he has possession of a mule to maltreat as he will. The terms of the conventional cropping arrangement are that the landlord shall furnish land, house, mule and its feed, all implements, half the fertilizers, and supply the tenant; the cropper furnishes all the labor, half the fertilizers and receives half the crop after the charges for supplies advanced have been deducted. Under the new arrangement, when the prospective tenant owns his mule and tools, the landlord furnishes the land, house, feed for mule, and all the fertilizers. This compromise is being rapidly adopted. From the standpoint of the landlord, the advantages of the change are that he can use plenty of commercial manures and can make sure that the work animal receives sufficient food to maintain working efficiency. Both are important points. The average renter cannot be induced to use a profitable amount of fertilizers, because he is unconvinced of the wisdom of so doing, while his mule frequently breaks down from sheer starvation. The third and most important advantage to the landlord is that he retains the right of supervision of the cropper's work as under the former arrangement.

From the point of view of the tenant, the most important advantage lies in the securing of an animal for riding purposes; if he has no mule, the planter sells him one on long time payments. Furthermore, the tenant escapes the onerous burden of paying

²² *Ibid.*, no. 3, p. 3.

²³ *Ibid.*, no. 5, pp. 2, 3; no. 6, p. 4.

for fertilizers, while reaping the profit of the owner's investment in that direction.

Absentee merchants and landlords have also moved against the irresponsible renter. A curious situation has come about in some of the most important Black Belt counties. Absentees, seeing that their lands were becoming impoverished under the renting system, have turned over their plantations on long time leases to a class of capitalist-merchants. These merchants have organized the cotton industry on a scale not hitherto practiced in Georgia. One such merchant²⁴ operates 22,000 acres, half of which he rents from other owners. Except for a scattering handful on the outskirts of the several places, the renters have been dispensed with on this large tract of land, being replaced by croppers and wage hands. The tract is divided into eight or ten plantations, each with a resident manager, who directs all farming operations. In addition to the managers, the merchant employs two "riders," who spend their entire time in the saddle, going over the crops of the tenants and reporting on their condition to the head office in the county town. The merchant operates in this town a large supply business. Reports of the riders are the basis of credit at the store. All tenants are required to buy exclusively from the landlord, and the amount of their credit depends on the condition of their crops. If the crop be neglected, credit is restricted or stopped until the place is put in order.

This is an efficient system from the standpoint of production and soil conservation. It has a tendency, however, to dissuade absentees from dividing and selling their lands, and consequently discourages the growth of small ownership. The counties where this form of organization is practiced are steadily becoming blacker in population. The small farmers from North and Middle Georgia pass over these counties and go on into the Wiregrass further south.

All over the Black Belt, and especially in the lower section, the evils attendant upon absentee landlordism are being greatly lessened by a new method of supervision. A few years ago absentees were unable to give any regular attention to their tenants

²⁴ *Plantation Schedules, 1911, no. 40. Reports on Georgia Plantation Districts, Report no. 4, p. 4.*

because of the distance between town and plantation and the condition of the country roads, but now with the transformation in the condition of the roads, landowners are buying automobiles. Owners with this quick method of transportation run out daily to their farms, spend the day in the work of supervision, and return to their families at night. This development is conspicuous in Southwest Georgia. Many large landowners reside in Albany, Americus, Dawson, Bainbridge and other towns, and their plantations apparently suffer but little from the fact of their non-residence on them. It would be difficult to find anywhere farms more excellently operated.

The agrarian revolution of the post-bellum period has, of course, been more profound and conspicuous in the Black Belt than elsewhere in the State, since it was there that the dominant type of ante-bellum industrial organization had its most complete sway. But the plantation did not by any means totally disappear. Here and there in every county one meets with highly organized large-scale farms, and the movement that appears to be under way from cash renting to share farming seems to indicate an extension of the plantation system, since share tenants are rarely found on any other than efficiently supervised plantations. Such a plantation may be worth describing in detail.²⁵ The plantation selected as a type of the best class is in one of the oldest of the Black Belt counties, and the soil has been cultivated for many years. The present owners are two young men, both of whom live on the place, giving their entire time to the work of supervision. The total acreage is 3,750, of which 2,500 acres are improved. The two residences of the owners, set in a fine oak grove, are modern structures, with every convenience, such as screens, waterworks, and acetylene lights. Back of the residences are four large barns, in which all the stock used on the plantation are housed and fed, two tool sheds, a blacksmith shop, a commissary, a gas plant, automobile garage, hothouse, dairy building, and several model chicken houses. There are two artesian wells.

Scattered over the plantation at convenient places are the

²⁵ Plantation Schedules, 1911, no. 8.

tenant houses, eighty-six in number. All are comparatively new frame structures, costing on the average \$300.00. No log houses were seen.

The farm equipment includes a large assortment of tools and machinery, gang plows, disk plows and harrows, McCormick and Deering reapers and binders, mowing machines, and the like.

The stock and other animals were as follows: 80 mules, 5 horses, 1 ox, 8 milch cows, 150 head of hogs, and about 1500 chickens.

The plantation population includes a white overseer, 15 renters, 90 share tenants, and 3 day laborers, all negroes. The renters pay as rental 1,000 pounds of lint cotton for twenty acres, the laborers are paid \$12.00 per month and board, the share hands get one-half the crop.

As to the general method of farming, the owner's principal interest is cotton raising, but he produces all the corn and hay used on the place. Rotation is practiced as extensively as practicable in view of the fact that each year the major part of the acreage is devoted to cotton. All the land is broken in the fall with two- and four-horse plows, large quantities of fertilizers are used (\$18,000 worth in 1910), and cultivation is frequent.

The products in 1910 were as follows: 1,000 bales of cotton on 1725 acres, 15,000 bushels of corn on 600 acres, 3,900 bushels of oats on 75 acres, 125 tons of peavines on the same 75 acres.

The owners have no other business and own no land except this plantation. Their entire time is given to supervision. They believe supervision to be indispensable. "If they should turn over their plantation to the negroes they would have nothing in two years." The nature of the oversight is seen in these facts. All of the 105 laborers are under the direct control of the owners. No distinction is made in this regard between renters and croppers. The acreage of each crop is regulated, every tenant goes to work and 'knocks off' at tap of bell, all products are marketed by the owners. Nothing is left to the judgment of the tenant—absolute control is exercised with respect to the use and application of fertilizers, terracing, clearing and opening of ditches, repairing of roads and fences, depth and direction of plowing, time and method of planting, cultivating and harvest-

ing. The owners felt that this control was best for them, for the land, and for the tenants. They believed that a supervised cropper would be more likely to have profits for investment in land than an unsupervised renter.

Advances are made to tenants in the form of cash, ten per cent. being charged to all accounts at the end of the year. Tenants buy their supplies where they please, the commissary being kept for their convenience. Tenants are allowed the use of animals for riding purposes, but this privilege is by permission in every instance, and is regarded as a return for faithful work.

Every one of the tenants in 1910 paid his account. Twelve share tenants cleared more than \$300 each, after all expenses were paid. One renter cleared \$900 on a two-horse farm. He had a large family to help him. All of these profits, the owner said, were squandered. Even the renter whose profits were so large returned at Christmas to borrow a few dollars for the holidays. Tenants throw away their money on buggies, fine harness, guns, clothes. Peddlers have given a great deal of trouble, selling negroes at exorbitant prices cabinet organs, patent medicines, clocks, and other unnecessary articles.

The tenants habitually drink, gamble, and carry weapons. Venereal diseases and consumption were reported as prevalent.

Some of the newer tendencies in the Black Belt are indicated in the following letter, dated February, 1912, and written by an Oglethorpe County planter of long experience.²⁶

"Several years ago there were a great many more negro tenants in our county here than whites. We still have more negroes than whites in Oglethorpe, but the whites are increasing, not many moving away. . . . [The negroes] are better tenants and workers now than a few years ago, and are in sharp competition with the white tenants. In some sections of our county white colonies have come in and bought from 25 to 50 acres to the farm and are beginning to farm on the intensive system. Land even without regard to cotton is advancing in price all the time. There are some counties above us with large and increasing white population, and the overflow is coming down in our county and the counties below. Madison county adjoining us [on the north] has a large white population, small farms, and I think now holds a better position than Oglethorpe. . . . I have on my home farm

²⁶ *Inquiries I*, 1912, Letter from Oglethorpe County.

five white families and eight negro families. . . . I rented most of my land in 1911 for one-fourth of all crops, cotton, corn, wheat, oats, pease. Every man has his garden, potato and melon patches entirely free. I am adopting the one-fourth system for the purpose of inducing my tenants to diversify and rotate their crops. . . . I also rent every tenant a few acres of bottom land, thoroughly set in Bermuda, so that every tenant will have hay for his stock. I keep myself about seventy-five head of cattle, feed them in the winter on cotton seed meal and hulls, keep them in stalls, save all the manure, and have the tenants near my home use this manure on the land about my house. . . . This land makes a bale of cotton, 450 pounds lint to the acre, and in 1911, the greatest cotton year I have seen in my life, some acres made two bales. . . . Under the late tendency of things our lands that just ten or fifteen years ago were from six to ten dollars per acre are now worth from twenty to seventy-five dollars. . . .”

This letter is an important one. The statements made in it have been repeated by other correspondents, and the writer has personally visited Oglethorpe and other counties on the border of Group II, where these changes are going on. There is a marked tendency towards intensive culture, diversification and rotation, greater attention to tenants, and the result is seen in the increased product per acre and the enhanced value of farm lands. The most interesting point in the letter is the statement in regard to the coming of whites to Oglethorpe. The same thing is true of Greene, Morgan and other counties of the neighborhood. It will be noted that the correspondent drew a comparison between Madison County and Oglethorpe. Madison is one of Group II, treated in the preceding chapter. The movement of small farmers from Group II to the Black Belt is a fact of unusual interest. The high type of farming practiced in the northern counties has sent the price of land up so high that small owners are finding it profitable to sell out, move to the Black Belt and buy there two or three acres for the price received for one. Fifty years ago the fathers of these farmers were moving in the other direction, from the high priced Black Belt cotton lands to the cheap and undesirable Upper Piedmont soil. Three new settlements of whites are now to be found in Oglethorpe County, and in most of the Black Belt counties one meets with recent comers from North Georgia. Many of them become tenants for a few years. The Census of 1910 showed that there were about 4,000 more

white tenants in the Belt than in 1900. It is probable that most of these were migrants from North Georgia, since there are virtually no white day laborers from whom the tenant class may be recruited. The 20,000 new negro tenants were former day laborers.

Some difference of opinion was found with reference to the desirability of the white tenant. Complaint was heard that they have difficulty in learning to grow cotton, that they are inclined to be less tractable than negroes, that they make demands for better housing. One planter-merchant naïvely confessed that his principal objection to white tenants was that they did not spend their profits so freely at his store as did the negroes.²⁷ The majority of planters, however, welcome the white tenant; and their demand for better homes is being met by the erection of a superior type of tenant houses.²⁸ Planters state that they find the white tenant more intelligent and trustworthy, that they save their profits, become landowners, and thus give stability to Black Belt social conditions. In South Georgia, as well as in Oglethorpe County, the negro tenants are said to be improving as workers as a result of white competition. A Thomas County planter said :²⁹

"North Georgia people are having considerable effect on the quality of negro labor. Renters have given better satisfaction this year than ever before, and I attribute it to the fact that whites are coming in and lands are being divided. I told my renters that unless they did better, I would be obliged to sell and they would have nowhere to go. Many planters are dispensing with negroes and putting in white people. Some of the sensible darkies are seeing that they are going to be pushed out."

This emergence of a class of white tenants and small white owners in the Black Belt is fortunate. Thoughtful observers say that the race problem in the Belt is largely the outcome of the negroes' numerical ascendancy, and that any movement tending to increase the proportion of whites to blacks can but have a good result.

²⁷ *Reports on Georgia Plantation Districts*, Report no. 3, p. 6.

²⁸ *Plantation Schedules*, no. 32.

²⁹ *Plantation Schedules*, no. 17.

Throughout the Black Belt the tenant and laboring class of negroes are improvident. Books of employers indicate that the average tenant makes a profit from his farming. It is the exceptional negro, however, who saves anything. In numerous cases, they squander in a month enough cash to supply them the entire following year, thus heedlessly throwing away the opportunity to escape from exorbitant time prices and from the position of debtors. As a general thing the surplus melts away without any substantial return. Whiskey, gambling, indulgence in sexual pleasures, purchase of useless articles of luxury, and excursions to distant towns, absorb their profits. Tenants usually spend all of the proceeds of the year's work before Christmas and return to the landlord for small sums to tide them over the holiday season. The writer cannot recall an instance of a planter who had not found it necessary to make such advances. He usually has no option in the matter. Contracts are made yearly and expire with the harvest season. "Christmas money" is commonly advanced on the agreement of the tenant to renew his contract for another year. It is said that the landlord who would refuse to make these advances would very likely be unable to secure tenants.

A school and church are to be found on practically every plantation. Great interest is taken by the negroes in the church, as it is the centre of their social life. A lodge or secret society usually meets in the church. The schools are always taught by negroes and are of a uniformly low standard. Attendance is fitful and confined to the late summer and winter months. During the busy season negro children are used in chopping, and later in picking, cotton.

The moral conditions existing among the blacks appear to vary with the proportion they form of the total population. The larger the plantation, the fewer the whites, the greater the distance from civilizing influences, the worse become the conditions. On an immense plantation of sixteen thousand acres, the manager said he had found it impossible to prevent gambling and drinking. Although the plantation was eighteen miles from a town, a plentiful supply of cheap whiskey was provided by pedlars. The manager also expressed a doubt whether there was a

man or woman on the plantation untainted by syphilis. The same conditions were reported on the plantation above described in detail. A Crisp County planter "has a terrible amount of trouble with syphilis and consumption among his tenants." Even the best ordered place the writer visited, where the owner and his wife periodically collected the men and women separately and talked to them on the subject, doing everything possible to encourage chastity and fidelity, the planter was obliged to confess failure, and to say "the negroes have no conception of the meaning of sexual purity."³⁰

In one county a prominent farmer had served on a grand jury committee to investigate the alleged shipments of whiskey to negroes from points outside the state (Georgia is a prohibition state) and ascertained from the records of the railroad that in one spring five hundred barrels of whiskey had been received, consigned to negroes living in the country districts. It seems that the cars would be shifted to a sidetrack, the doors left open, and negroes would drive in from considerable distances by night and cart the whiskey away. This farmer found eighty quart bottles of whiskey in one of his tenant houses.

Another habit to which the negroes are addicted is that of carrying concealed weapons. Two or three years ago the legislature passed an act requiring that every person before possessing a pistol should secure a license and obtain personal surety that no improper use be made of the weapon. Under cover of this law, a Terrell County planter with a constable went the rounds of his tenant houses and collected twenty-eight pistols, which he holds until the tenants comply with the law.

The presence of many mulatto children in the state is popularly supposed to indicate illicit intercourse between white men and negro women. Special inquiry was made on this point. It was frequently pointed out that mulatto men almost never marry black women, and that the mulatto children are born to mulatto parents. Practically every farmer interviewed during the summer of 1911 was decidedly of the opinion that this relation between white men and negro women had almost entirely ceased. An elderly planter said that the change in sentiment in

³⁰ *Ibid.*, nos. 8, 10, 24, 25, 28, 31, 33.

this regard in the past twenty years amounts to a revolution.³¹ Once or twice the opinion was expressed in towns that the evil was still prevalent, but as a rule town people agreed with the planters that a great change had taken place.

The physical surroundings of the negro tenant houses are wretched in the extreme. No pride whatever is usually taken in keeping the home neat and clean and the premises attractive. Occasionally one sees a well-kept garden spot, but as a rule weeds hold sway between house and field. Efforts to interest tenants in truck gardens and poultry are in most cases utter failures. Land is always given for gardens and patches, and often the seed is furnished, but no results are obtained. It would be a comparatively easy matter for tenants to raise much of their foodstuffs, if they had the inclination to do so. Their failure to take advantage of this opportunity is not due to lack of time. Negro tenants invariably take Saturdays off. Every Black Belt town is crowded on that day. It is an astonishing fact to relate, but many farmers do a regular business selling to their negro tenants cabbage, potatoes, chickens and the like, when the tenant could easily, without any cost whatever except an occasional hour's work, provide himself with every country product.

³¹ *Ibid*, no. 39.

CHAPTER VII

THE WIREGRASS COUNTRY AND THE COAST COUNTIES: ECONOMIC HISTORY AND LAND TENURE MOVEMENTS

A. THE WIREGRASS COUNTRY

The division marked out on the map¹ as the Wiregrass, or Group IV, occupies the southeastern section of Georgia. Not all of the counties lying in what is known as the Wiregrass country are included in this group, a number of the border counties having been placed in the Black Belt, because of the fact that the majority of the population was colored. All of the counties of Group IV have white majorities.

This group of counties is a part of the coastal plain of Georgia, and hence for the most part the elevation above sea level is not great, ranging from one hundred feet to five hundred on the northern border. The surface of the ground is usually level, though occasionally slightly rolling. It presents to the eye an unrelieved expanse of pine forests, carpeted with wiregrass. The soil is a fine sand, often ten to fifteen inches deep, underlaid with yellow clay. Malarious lakes and swamps abound, and, until artesian wells became common, health conditions were bad.²

Though the Wiregrass only recently began to attract a large population, some of the counties were laid out at an early period, such as Montgomery, in 1793; Bulloch, in 1796; and Emanuel, in 1812. The soil was thought to be hopelessly sterile. Indeed, the country was known until a few years ago as "the Pine Barrens." The only settlers who came to this region were those attracted by the fine grazing for cattle. The early population consisted of

¹ See *post*, p. 127.

² *Georgia Historical and Industrial*, p. 162.

typical frontiersmen, from the Carolinas and various parts of Georgia. After the manner of the frontier, these people lived on the products of their herds, on game, and cornbread. They were ignorant and illiterate. The population was very sparse. In 1820 the county of Irwin had only 411 inhabitants,³ notwithstanding the fact that it embraced all the land now divided into seven counties. The total population of the twenty counties of the group in 1870 was 84,333, of which 70 per cent. was white.⁴ At that census the density of the population was five to the square mile; in 1880, the density had advanced to seven; and in 1890 to thirteen per square mile.⁵ The sparseness of the population was due to the fact that the Wiregrass was outside the path of the cotton planter in ante-bellum days, while the bulk of the small farmers were in the region north of the Black Belt. Few negroes found their way into the Wiregrass until very recent times. With the improvement in health conditions, due principally to artesian water, and with the spread of cotton production, made possible by the liberal use of commercial manures, population has grown rapidly, and many negroes have migrated to the region. In 1910 they were 38.4 per cent. of the population.

The Wiregrass is the great yellow pine region of the state. By 1890 the lumber and turpentine industries were attracting capital and people.⁶ Farming interests advanced at the same time. In the decade between 1890 and 1900 about one hundred thousand new settlers came to the region. Eight new counties have been laid off in the group since 1900, and many of the towns have had a rapid growth. In 1910 the population of the group was 460,341, an increase of 445.8 per cent. since 1870.

Railroads have done much to develop the Wiregrass country. Up to the time of the Civil War no railroads were to be found in this large section of Georgia. The first line to pierce the group was the Savannah, Albany and Gulf, which was completed through the lower part of the region in 1867; and in 1869 the Macon and Brunswick was finished, running through the heart of

³ Smith, *Story of Georgia*, p. 321. As late as 1866, Mr. Smith rode seventeen miles on a public road through this county without coming to a house.

⁴ See Table *ante*, p. 70.

⁵ Harper, R. M., in *Savannah Morning News*, April 16, 1911.

⁶ *Ibid.*

the section. Since the seventies, many main lines and branches have gridironed the Wiregrass country, and there are now some fifteen hundred miles of railway in the group.

The land tenure statistics for the Wiregrass are as follows:

LAND TENURE IN GROUP IV⁷

ALL FARMERS

Year	All farms.	Per cent. of all farms in state	Operated by owners	Cash tenants	Share tenants
1880.....	13,609	9.81	80.65	5.77	13.57
1890.....	19,758	11.54	70.32	11.30	15.38
1900.....	32,157	14.35	61.34	17.11	21.52
1910.....	53,138	18.24	45.90	20.92	33.15

WHITE FARMERS

1900.....	24,835	17.51	69.80	12.90	17.30
1910.....	35,495	21.64	57.00	17.48	25.52

NEGRO FARMERS

1900.....	7,322	8.85	32.64	31.73	35.63
1910.....	16,613	13.58	21.50	28.58	49.92

It is evident that the agricultural development of the Wiregrass had only begun in 1880, as in that year less than ten per cent. of all the farms in Georgia were in the group. Lands were being advertised by the railroads⁸ at extremely low prices: in

Pierce county at 25 cents per acre, in Clinch from 50 cents to \$1.00, in Lowndes from \$1.00 to \$5.00. By 1880 the use of commercial fertilizers had become general, and the sandy soils began to rise in the estimation of cotton producers.⁹ The soil proved to be quite productive when once the proper methods of cultivation became known.

The growth in number of farms was normal up to 1890, but

⁷ See Table, *post*, p. 123.

⁸ Atlantic & Gulf Railroad, *Guide to Southern Georgia and Florida*, 1877.

⁹ U. S. Census, VI, 1880, *Cotton Production*, p. 322: "The Pine Barrens [of Georgia] are being settled by people who see that with the aid of fertilizers the poor sandy lands of the region can be made to produce cotton abundantly. The result is seen in a product per acre somewhat greater than that of the oak and hickory lands of even the more favored metamorphic region."

after that time very rapid, increasing 62 per cent. in the decade from 1900 to 1910. Nearly a fifth of all farms in the state are now in this group of counties. The new farmers are said to come principally from the mountain counties of North Georgia. Inasmuch as the mountain county farms have declined from 11.43 per cent. of all farms in 1880 to 7.85 per cent. in 1910, the statement would seem to be correct.

The percentage of farms operated by owners has declined steadily. It is not difficult to find the explanation of this fact. Lands in South Georgia were distributed in lots of larger size than elsewhere in the state,¹⁰ often running as high as 490 acres, and the individual holdings have always been larger than in other parts of Georgia. As long as grazing and lumbering were the principal industries, the tendency was for holdings to remain large, or even to increase in size. Many thousands of acres often got into the hands of a single individual or company.¹¹ But as soon as the earlier industries began to wane and agriculture to increase in importance, the tenant class emerged. Many former lumbermen and turpentine farmers became agriculturists, not selling to their former laborers, but retaining them as tenants. This process is still going on. A Bulloch county farmer reports his "plantation" as containing 14,000 acres, but has only thirty tenants. Inquiry elicited the information that 11,500 acres of this holding were pine forests. Turpentine and sawmilling are going on in one part of the "plantation," farming in the other.¹² The farming interest increases every year, with the gradual clearing of the land, and eventually the entire tract will be devoted to cotton production. This process involves a large increase in the number of tenants, but no diminution in the number of land owners, the percentage of farms operated by owners, however, becomes progressively smaller with the extension of agriculture. In 1880, tenants were 19.34 per cent. of all farmers, in 1910, 44.10 per cent., but the absolute number of farms operated by owners increased from 10,976 to 24,387.

¹⁰ Banks, *op. cit.*, p. 42.

¹¹ Some of these huge holdings are still intact. In Emanuel County an elderly planter who has lived in the county since the Civil War, owns 30,000 acres. See *Reports on Georgia Plantation Districts*, Report no. 4, p. 7.

¹² *Plantation Schedules*, 1911, no. 11.

Two avenues leading to ownership have been open to the small farmer. In the first place, many lumber and turpentine companies, on the decline of those industries, did not care to engage in farming, and consequently threw their holdings on the market at low prices. The small owner of North Georgia, or the successful tenant, could easily acquire a farm in the Wiregrass country, and thousands took advantage of the opportunity. In the second place, peculiar conditions have attracted a superior type of tenants, who have evolved more quickly into owners than is usually the case. A large part of the area of the group is covered with stumps and small pines left by the sawmill. The main problem of the owner is to get the land cleared for cultivation. The general method is to turn over such lands to white tenants rent free for a term of three or four years, on condition that each year a given amount of clearing be done. The whites who take advantage of this opportunity are North Georgians with sufficient capital to stock a farm, but not enough to purchase land. This type of tenant farmer is not only himself a laborer, but is a manager of labor. On such an undeveloped holding in Emanuel county, the tenant population consisted of fifteen whites and seven negroes. Twelve white renters, some of whom operated as high as eight plows, had between them forty-three sub-tenants and laborers, and owned fifty-two mules. The owner stated that several of these whites had money to buy land, and would do so as soon as their contracts with him had expired.¹³

In the study of Group II, the Upper Piedmont, it was shown that there had been since 1870 a striking development of cotton growing. The same development has occurred in the Wiregrass. The causes have been the same, the increasing importance of the small white farmer, and the use of commercial fertilizers on land formerly thought to be unsuited to cotton culture. In 1870, only 3.87 per cent. of the total product of the state was produced in this section; in 1910, 18.67 per cent. The acreage increased from 5.06 per cent. of the whole in 1880 to 16.79 per cent. in 1910. The per acre product in 1910 was .454 bales, far ahead of the other two large groups.¹⁴

¹³ *Ibid*, no. 12.

¹⁴ See *post*, p. 124.

The preponderance of white farmers seems to have the same fortunate effects on the tenant class that were noted in the case of the Upper Piedmont. Almost every planter visited by the writer in the summer of 1911 reported that his tenants were saving money.¹⁵ An Emanuel county planter stated that all of his tenants were prosperous. There were twenty-two tenants on the place, including six negroes. Five of the six, all share tenants, cleared an average of \$250 in 1910. A Bulloch county farmer, employing thirty tenants, all but six of whom were white, reported that all had done well in 1910, except three of the negroes. Practically all saved their profits and were supplying themselves in 1911, without going into debt. A Laurens county farmer with eighteen colored and four white tenants, stated that all of the whites were saving, but only one of the negroes.¹⁶

A decided preference for the white tenant was often expressed. A noteworthy instance was that of the Laurens county planter who owned five farms, some of which were at a distance from his residence. Formerly all the farms were worked by negro tenants, but they have recently been displaced by whites. The reason given was that the owner found that, on farms so inaccessible as to prevent constant oversight, whites could be trusted to work steadily, whereas negroes could not be so trusted. He stated that the whites were a much better element, saving their money and becoming landowners. From a commercial point of view, the whites were not so profitable (the owner was also a merchant), because they did not spend so freely as did his former black tenants.¹⁷

Little complaint was heard among Wiregrass farmers of disorder, drunkenness, immorality, or venereal disease among the tenants, white or black.¹⁸ The freedom from these troubles was attributed to the presence of many whites. Only where large numbers of negroes are collected on the plantation, without the presence of whites, was trouble reported. The only planters¹⁹ met with who had had experiences similar to those of Black Belt

¹⁵ *Reports on Georgia Plantation Districts*, Report no. 4, p. 6.

¹⁶ *Plantation Schedules*, 1911, nos. 11, 12, 13.

¹⁷ *Ibid*, no. 14.

¹⁸ *Ibid*, nos. 11, 12, 14, 30.

¹⁹ *Ibid*, nos. 13, 23.

planters were a Laurens county farmer who had twenty-five negro laborers and no whites, and a Worth county farmer, all of whose nineteen laborers were negroes. The latter stated that gambling and drinking were prevalent, that it was hard to get his men to work on Saturday or Monday, that venereal diseases were common, and that though all of the tenants cleared money on their farming, none saved anything.

The conviction is strong in the Wiregrass that the negro is a better citizen when he lives in a largely white community. That this is the case seems probable from the fact that 21.50 per cent. of the negro farmers operate their own farms, against 9.13 per cent. in the Black Belt, and that the per capita wealth of the negroes is \$31.27, as compared with \$23.75 in the other section.

B. THE COAST COUNTIES

The coast region of six counties covers an area of about two thousand square miles.²⁰ It includes "savannas," live oak lands, coast tide swamp lands, and islands.

The savannas occupy most of the area of the six counties. They are a belt of meadow-like land from ten to fifteen miles in width, less than fifteen feet above tide-water. The western limit of this belt is the wiregrass bluff, ranging from twenty-five to fifty feet above sea level. The savannas are covered with a sparse growth of long-leaf pine and a thick undergrowth of saw-palmetto.

The live-oak lands spread along the coast and the islands. The soil is yellow and mulatto sand. Immense live-oaks, festooned with streamers of gray moss, are the most noteworthy characteristic of the coast region. Some of the live-oak lands are rich, having a blue clay subsoil well adapted to sea-island cotton.

Several of the large rivers of the state, the Savannah, the Ogeechee, the Altamaha, and the St. Mary's, find their way to the ocean through the coast counties. Along the banks of these rivers, ranging from ten to twenty miles, lie the coast tide swamp lands. These swamp lands formerly produced large quantities of rice.

²⁰ *Georgia Historical and Industrial*, pp. 165-166.

The sea-islands, about five hundred and sixty square miles in total area, form a network along the coast. They are some fifteen feet above sea-level, have a sandy soil, suitable for sea-island cotton and diversified crops, though very little farming is done on them.

Beginning with the settlement of Savannah in 1733, the coast was occupied during the middle of the eighteenth century by successive colonies of English, Scotch, German, and Swiss immigrants. One important colony of New Englanders settled in what is now Liberty county. These immigrants were scattered about in numerous villages, many of which have wholly disappeared.²¹ During the first twenty years of the colony an effort was made to establish something resembling the New England economy of small farms grouped about villages. Slavery was prohibited, and the area of land each settler might have was strictly limited, with the view of preventing the growth of large estates. From the first, however, the colonists were dissatisfied with the rules of the trustees of the colony.²² They claimed that the heat and the swampy, malarious nature of the country made sustained physical exertion on the part of white men impossible, and that they were unable to compete in the markets of the world with South Carolina, where slavery was allowed. Petition after petition was sent to the trustees, praying that the restriction as to slavery be removed. It was further asserted that fifty acres of land was too small a tract for practical purposes, especially in view of the fact that part of the holding might be swampy and unavailable for agricultural purposes.

After resisting the pressure for twenty years, the trustees finally yielded, and slavery was introduced in 1751. The coast immediately began to develop. The tide of population which had started away from the colony was checked, and many new settlers came. With one exception, the seaboard counties had black majorities by 1790. At the close of the ante-bellum period, the coast was the region of largest slaveholdings in the state. The average was twenty per owner (for the state, the average was

²¹ Jones, C. C., *Dead Towns of Georgia*, *passim*.

²² Stevens, W. B., *History of Georgia* (New York, 1847), I., chaps. VIII and IX.

eleven), and more than one-fourth of all the owners of one hundred or more slaves were in these six counties.²³

With the introduction of slavery, social differentiation took place. The poorer element was obliged to leave the richer regions along the river banks. Many drifted into the pine barrens of the coast and into the nearest tier of Wiregrass counties. The upper class developed into the planter type. The social prestige and political power of the coast planter were marked. The poorer folk were wholly illiterate and sustained themselves with difficulty on the infertile soil of the pine barren lands.²⁴

Rice growing was the principal interest of the sea-coast planter. Many of these plantations were very large and extremely productive. Travellers have left descriptions of several of them.²⁵ The rice planter as a rule lived on his plantation only in winter. As soon as the warm weather approached, he retreated to a more salubrious climate, leaving the plantation in the hands of an overseer.²⁶ Absenteeism, the absolute power of the overseer, his low moral standards, and the crowding together of many negroes, brought about more unfortunate conditions on the coast than were to be found elsewhere in the state. The coast negroes were said to have been less intelligent and capable than those of the up-country.

Civil war and emancipation brought ruin to the coast rice planter. The creation of a rice plantation was an arduous and expensive undertaking. The swamp lands had to be reclaimed and then kept up by constant attention to dikes and canals. Reliable labor was absolutely indispensable. The losses of the up-country planter due to the disorganization of labor were temporary, but the coast planter was obliged to look on in helplessness while his valuable property went to ruin for lack of regular work. Negroes refused to do banking and ditching. Some of the planters attempted to import white labor, but lack of capital

²³ U. S. Census, 1860, *Agriculture*, pp. 226-227.

²⁴ Smith, *Story of Georgia*, pp. 147-148, 149-151.

²⁵ Olmsted, F. L., *A Journey in the Seaboard Slave States* (New York, 1856), pp. 409-442. Lyell, Sir Charles, *A Second Visit to the United States of North America* (New York, 1849), I, chap. XIX.

²⁶ Mallard, R. Q., *Plantation Days Before Emancipation* (Richmond, 1892), p. 14.

to repair the ravages of war and the effects of neglect made it impossible to revive the rice industry on a large scale.²⁷

One of the finest rice plantations was that of Mr. Hamilton Couper, on the Altamaha river. This plantation was described in detail by Lyell.²⁸ A son of Mr. Couper in a personal letter to the writer gives an account of his attempt to revive the plantation.²⁹ He began in 1866, planting on shares with forty or fifty negroes. The experiment was satisfactory, but he gave up the sharing feature, because there was a feeling among the coast planters against making a partner of the negroes, and because the negroes themselves desired to avoid steady work.

"They bought land at a very small price in the adjoining pine woods, and drifted into settlements there. After that they worked for wages either on the rice plantations or wherever wages were to be had: and their labor became unreliable. Yet even under these circumstances the rice planting could have been carried on profitably, had it not been for the hurricanes, which at intervals of some years came at the period of the rice harvest and swept away entire crops. At this date there is only one considerable rice planter left on the Altamaha river . . . In Glynn county the negro has been a failure as a renter, but on wages he has not been a bad laborer on the plantations . . ."

Under such circumstances agriculture retrograded and the seaboard has for many years been in a stationary condition. "Agriculture in Glynn County at present amounts almost to nothing. If ever revived, there must be better drainage and other sanitary precautions, and perhaps new immigration."³⁰

The negroes took almost complete possession of the coast in 1865, constituting 73 per cent. of the total population in 1870. In recent years, however, the white element has been rapidly increasing. One of the counties, Bryan, has a white majority, and for the six counties, the percentage of blacks has fallen to 58.6.

The large plantations have disappeared and with them systematized industry. The land has been divided into minute negro-owned farms, and the section has become insignificant in the agriculture of the state.

²⁷ Leigh, *op. cit.*, pp. 263-264.

²⁸ Lyell, *Second Visit*, I, chap. XIX.

²⁹ *Inquiries I*, Letter from Glynn County.

³⁰ *Ibid.*

The stationary condition of farming in the group is indicated in the following table of land tenure.

*Land Tenure in the Seacoast Counties*³¹

ALL FARMERS

Year	Total farms	Per cent. of all farms in state	Operated by owners	Cash tenants	Share tenants.
1880.....	4,080	2.95	59.52	30.41	10.07
1890.....	4,073	2.38	66.46	30.04	3.50
1900.....	4,552	2.01	76.33	16.22	7.40
1910.....	4,152	1.42	82.56	10.50	6.94

WHITE FARMERS

1930.....	1,688	1.20	79.34	10.60	10.06
1910.....	1,534	.90	77.22	14.99	7.79

NEGRO FARMERS

1900.....	2,834	3.42	74.60	19.57	5.83
1910.....	2,608	2.13	82.86	9.85	7.29

There has been practically no increase in the number of farms in thirty years. The breakup of plantations was sudden and complete in the sixties, and since then there has been little change. The thoroughgoing character of the disintegration of plantations is shown in a comparison of the number of farms in the several size groups at the Census periods, 1860 and 1870.

TABLE SHOWING THE DISINTEGRATION OF PLANTATIONS IN THREE TYPICAL SEACOAST COUNTIES

	3-10 acres. 1860-1870	10-20 acres. 1860-1870	20-50 acres. 1860-1870	50-100 acres. 1860-1870	100-200 acres. 1860-1870	500-1,000 acres. 1860-1870	1,000- acres. 1860-1870
Chatham.....	24 303	41 207	43 86	23 31	59 44	17 8	3 0
Camden.....	3 189	5 136	22 53	11 12	36 14	10 4	4 1
Liberty.....	18 616	35 749	112 366	60 187	104 159	18 2	5 3

Of the fifty-seven plantations of five hundred or more acres, all except eighteen disappeared in the decade. It seems reason-

³¹ See *post*, p. 123.

ably clear that on the seaboard the disintegration of plantations differed from that of the other sections of the state, in that here it was a real, not a nominal division. In studying the other groups of counties, the position was taken that the prevalence of the tenant system, especially of the share system, meant that the plantation, in many cases, remained essentially a unit, though the method of collecting data for the census made the tenant's farm appear as a separate holding. On the seacoast, however, it is to be noted that the tenant system is a negligible factor, and has been of progressively less importance at each census period. Ownership has advanced with great rapidity, each decade witnessing a considerable transference of tenants and laborers to the status of owners. There is a sharp contrast, therefore, between this and the other groups of counties. Here at each census period owners have been a larger percentage of all farmers, while elsewhere the percentage of owners has steadily declined.

The average size of the owner-operated farms in 1903 was as follows:³²

	Whites	Negroes
Bryan.....	364.1	53.
Camden.....	47.9	14.9
Chatham.....	277.3	12.5
Glynn.....	253.9	27.5
Liberty.....	356.9	42.9
McIntosh.....	235.1	20.0

The minute size of the negro farms and the unusual poorness and cheapness of the soil indicate the ease with which negroes have climbed into the class of owners. A few months' work for wages would suffice to obtain the price of such a patch as the census dignifies with the name of "farm." The prevalence of ownership in these counties, 82.56 per cent. of all farms being operated by owners, has not served to better agricultural conditions. The percentage of the land area in farms is lower than in any other section of the state, less than eleven per cent. in

³² Banks, *op. cit.*, pp. 119-121.

McIntosh County, and in only two counties does the percentage run as high as the forty to sixty class. The per acre value of farm land is as low as in the mountain counties; in only one county (and that Chatham, containing the city of Savannah) is the average within the ten to twenty-five dollar class.³³ Less cotton was produced in 1910 than in 1870, none being reported at the last census for four of the six counties.

The table of *per capita* wealth³⁴ for this group is of little value as an index of the condition of the agricultural classes, because nearly eighty per cent. of the total property values is in Chatham, and is personal and real property in Savannah. Though negroes constitute 58.6 per cent. of the population of the six counties, and though 82.86 per cent. of their farms are operated by owners, they possess less than 5 per cent. of the property of the group.

³³ See Map, *post*, p. 129.

³⁴ See Table, *ante*, p. 70.

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A. Unpublished Sources.

The latter half of the present work is devoted largely to an account of present-day conditions among the agricultural classes of Georgia. Practically all of the material is unpublished and hitherto unused for historical purposes. The following is a list of the material.

1. Data collected by the writer during the summer of 1911, while acting as Expert Special Agent for the Agricultural Division of the Bureau of the Census, in a study of plantation conditions. All the important farming counties of Georgia were visited and systematically studied. Inquiries were made as to the prevalence of the plantation type of organization, the growth and status of small ownership, the several classes of tenancy, and the financial, social and moral conditions of the tenants. Daily reports were sent to the Director of the Census, taking the form of detailed descriptions of individual plantations. Information was obtained from planters, merchants, tenants, and laborers. Duplicates of these reports were retained. These duplicates are in rough form, as they were often obtained under unfavorable conditions. Much of the material is in the shape of shorthand notes, but typewritten transcriptions have been appended wherever quotation has been made. This data, about six hundred pages in all, has been bound and deposited in the library of the University of Georgia, under the title "*Georgia Plantation Schedules, 1911.*"

During this investigation, the state was divided into districts of contiguous counties, grouped about convenient centres. On the completion of a district, a report on the district as a unit was made, following an outline prepared by the office of the Chief of Division of Agriculture. Copies of these reports were retained, and have been deposited in the library of the University of Georgia under the title "*Reports on Georgia Plantation Districts, 1911.*"

permission to use this material has been obtained from the
of the Census.

In the winter of 1912 a circular letter was addressed to a
of Georgia planters who had been engaged in agricul-
re in 1865. The inquiry was not wholly successful, because it
was difficult to obtain the names of men whose experience dated
back so far; and many of the letters were returned with the note
that the addressee was dead. Only twenty-one useful replies
were received. Some of the letters, however, went into the
matter in considerable detail, giving many useful and interesting
facts. These replies have been bound and placed in the library
of the University of Georgia, under the title "*Inquiries I, 1912*,
with reference to farming in Georgia immediately after the
Civil War."

3. For the study of tenancy there are available the results of
an investigation conducted in 1902 by the U. S. Department of
Agriculture. The value of this inquiry for the present study
lies in the occasional supplemental comments by correspondents
on the labor situation, and in the answers to questions bearing
on the form of tenancy practiced in the several sections of the
state. The correspondents were leading farmers. From Georgia
141 replies were received, representing 82 counties. This ma-
terial was turned over to Dr. Henry C. Taylor, Professor of
Agricultural Economics in The University of Wisconsin, and is
still in his possession. These letters are designated in the foot-
notes as "*Inquiries II, 1902.*"

4. Supplementary to this inquiry into the tenant system, Pro-
fessor Taylor undertook, in 1906, to obtain additional informa-
tion by letter. Only 22 replies came in from Georgia, but they
are of value, because of the interest correspondents took in ex-
plaining the economic results of the tenant systems. This ma-
terial may be seen in Professor Taylor's office. The designation
here used is "*Inquiries III, 1906.*"

B. Published Material.

1. Congressional documents and other publications of the
United States government have been the main published source
used. The Census publications have been relied on for the

statistical side of the work. Land tenure statistics are now available for four census periods, but it is only since the twelfth Census that data was published separately for white and colored farmers. As has been pointed out in the body of the monograph, the Census method of classification is faulty in that it takes no account of the plantation as such.

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LAND TENURE STATISTICS OF GEORGIA
ALL FARMS

	1880	1890	1900	1910
Total farms	138,626	171,071	224,691	291,211
Operated by owners.....	76,451 (55.1)	79,477 (46.4)	81,603 (40.1)	100,231 (34.6)
Cash tenants.....	18,557 (13.4)	29,413 (17.2)	58,750 (26.2)	82,387 (28.2)
Share tenants.....	43,618 (31.5)	62,181 (36.4)	75,810 (33.7)	108,593 (37.2)

WHITE FARMS

Total farms.....	141,865	168,668
Operated by owners.....	78,548 (55.4)	84,426 (50.0)
Cash tenants.....	24,022 (16.9)	31,908 (18.9)
Share tenants.....	39,295 (27.7)	52,334 (31.1)

NEGRO FARMS

Total farms.....	82,826	122,553
Operated by owners.....	11,583 (14.0)	15,815 (13.0)
Cash tenants.....	34,728 (42.0)	50,479 (41.1)
Share tenants.....	36,515 (44.0)	56,259 (45.9)

LAND TENURE IN GEORGIA¹
ALL FARMS

Year.	GROUP I.						GROUP II.						GROUP III.						GROUP IV.						GROUP V.					
	Total farms.			Per cent. of all farms in state.			Operated by owners.			Tenants.			Total farms.			Per cent. of all farms in state.			Operated by owners.			Tenants.			Total farms.			Per cent. of all farms in state.		
	Cash.	Share.	Tenants.																											
	Operated by owners.	Cash.	Share.	Operated by owners.	Cash.	Share.	Operated by owners.	Cash.	Share.	Operated by owners.	Cash.	Share.	Operated by owners.	Cash.	Share.	Operated by owners.	Cash.	Share.	Operated by owners.	Cash.	Share.	Operated by owners.	Cash.	Share.	Operated by owners.	Cash.	Share.	Operated by owners.	Cash.	Share.
1880	15,892	11,433	36.74	2,173	31.09	5,663	36.67	38,292	27,655	70.70	5,663	36.67	66,778	48,118	72.05	21,600	33.52	13,809	9,810	69.66	5,771	13.57	4,090	2,955	72.30	41	10.07	4,090	2,955	72.30
1890	17,832	10,332	31.78	1,913	36.31	7,574	45.14	44,073	30,000	68.09	7,574	45.14	85,530	50,000	58.46	36,000	42.23	19,758	11,534	58.39	11,330	57.38	4,078	2,386	58.46	30	7.40	4,078	2,386	58.46
1890	21,815	9,709	31.60	3,134	40.27	13,733	48.32	57,841	35,743	61.79	13,733	48.32	108,246	68,163	62.96	30,400	28.10	32,174	33,631	104.34	17,141	52.52	4,532	2,017	44.38	15	3.40	4,532	2,017	44.38
1910	22,869	7,855	34.08	4,304	41.53	17,154	48.74	73,540	45,243	61.51	17,154	48.74	137,512	82,225	59.86	41,556	30.28	53,138	38,254	71.89	20,323	37.15	4,152	1,422	33.56	10	5.94	4,152	1,422	33.56

WHITE FARMS		NEGRO FARMS	
1900	20,802	14,605	58.33
1910	21,631	12,853	59.40

1900	20,802	14,605	58.33	3,023	38.65
1910	21,631	12,853	59.40	4,230	40.30

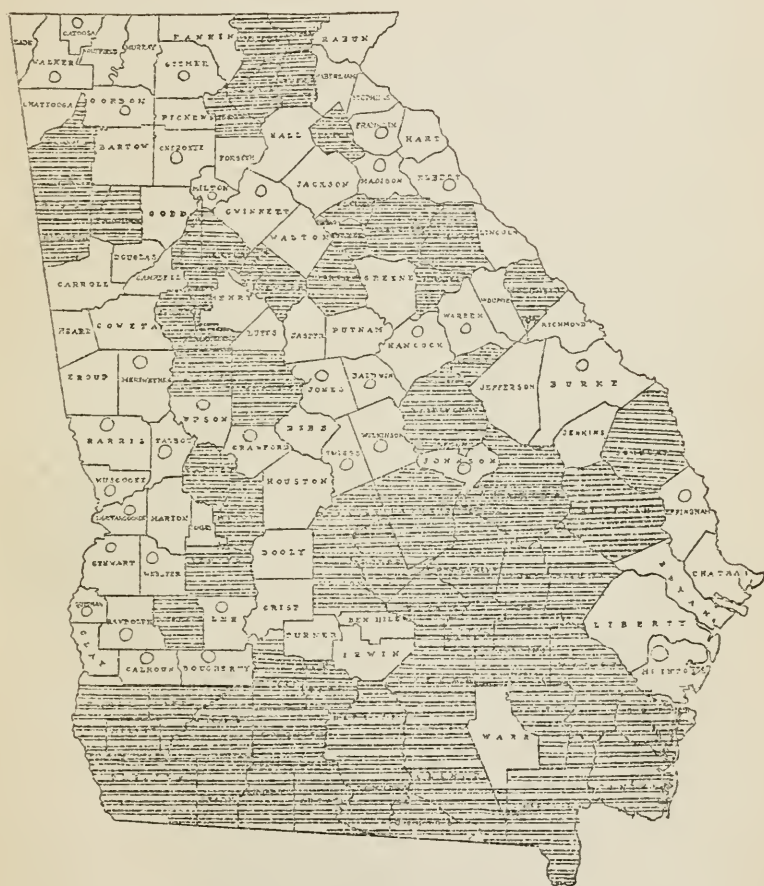
1900	1,113	1,342	80	5,207	70.00
1910	1,238	1,013	30.77	5,810	33.42

¹ This table was compiled from preliminary tables in which the statistics for the counties in each group, for each of the four census periods, were brought together. Additions were made on an adding machine and percentages worked out with a slide rule, all the work being verified by the author personally. The forty preliminary tables were then put together in the above tabulation, and it is thought unnecessary to publish them here.

ACREAGE AND PRODUCTION OF COTTON IN GEORGIA.¹

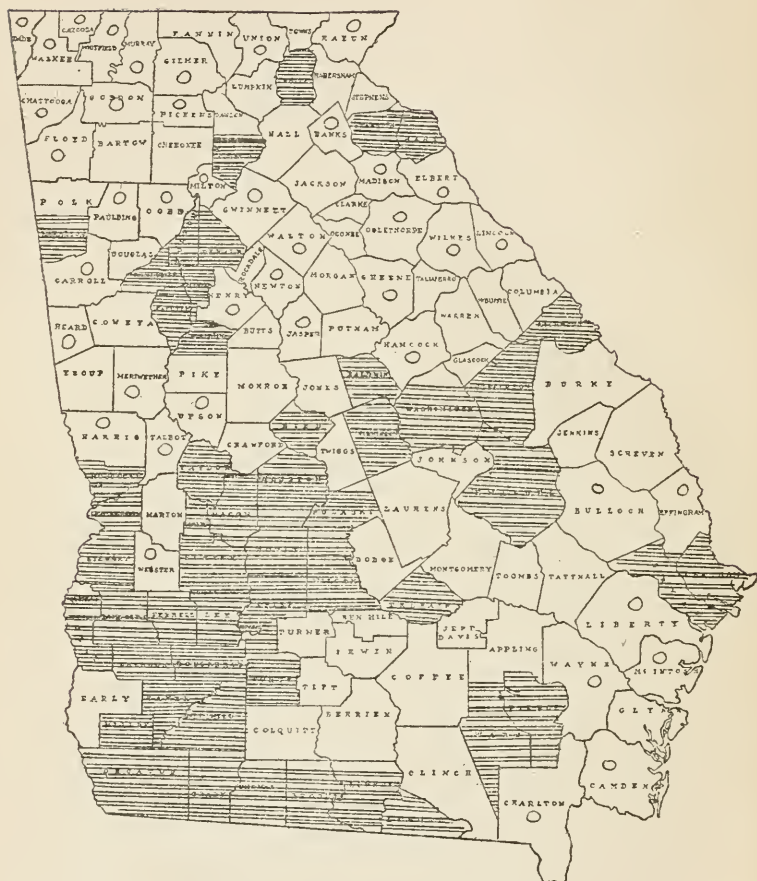
Year	GROUP I					GROUP II					GROUP III					GROUP IV					GROUP V					
	Acreage	Per cent. of total	Bales	Per cent. state product	Product per acre	Acreage	Per cent. of total	Bales	Per cent. state product	Product per acre	Acreage	Per cent. of total	Bales	Per cent. state product	Product per acre	Acreage	Per cent. of total	Bales	Per cent. state product	Product per acre	Acreage	Per cent. of total	Bales	Per cent. state product	Product per acre	
1860	4,675	.69	581,230	52.87	21,415	3.07	4919	.7
1870	33,421	7.60	31,568	76.48	18,344	3.87	3,380	.7
1880	44,612	1.73	16,243	2.00	.33	523,741	50.01	204,744	25.22	.388	1,912,630	73.66	547,922	67.34	.286	132,415	5.06	42,300	5.23	.319	3740	.14	1230	.15	.329	
1890	78,301	2.31	25,328	2.10	.323	716,521	31.43	258,712	21.70	.501	2,204,604	68.80	823,035	61.10	.357	240,942	7.21	83,387	7.00	.343	4843	.14	1734	.10	.275	
1900	64,422	1.95	26,768	2.17	.415	736,186	23.52	318,833	25.90	.405	2,253,502	67.4	790,858	61.22	.351	238,077	7.12	94,922	7.71	.399	885	.03	355460	
1910	94,786	1.94	37,549	1.88	.376	1,039,708	1.58	423,497	21.25	.407	2,421,004	59.82	1,154,904	57.68	.335	319,656	16.79	272,023	18.67	.464	3090	.17	4376	.22	.540	

¹ Compiled from tables in U. S. Census Reports, 1860 to 1910.



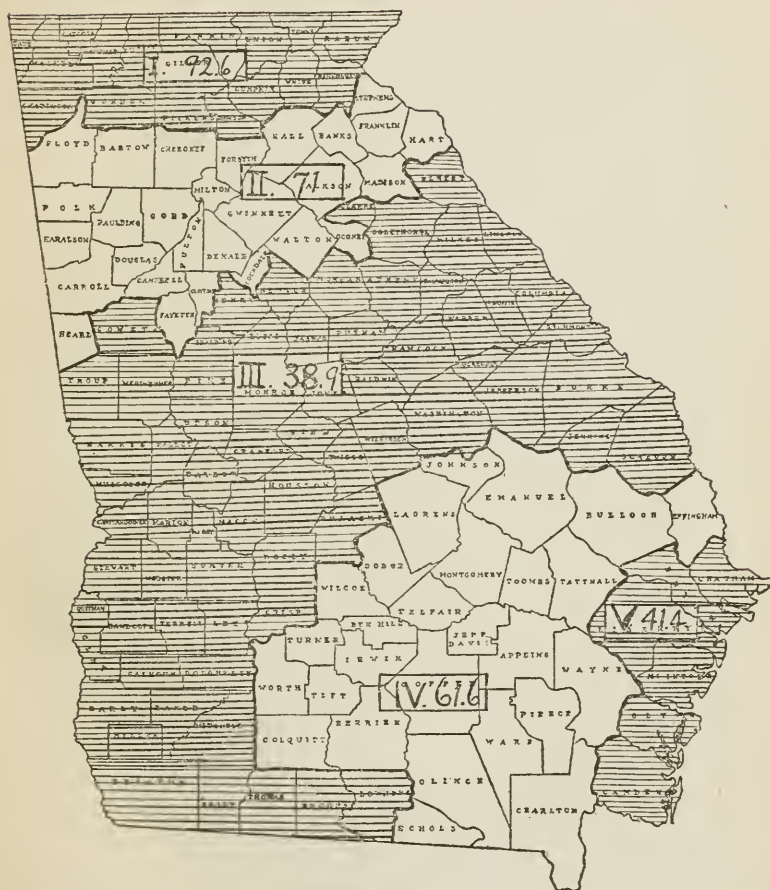
MIGRATION OF WHITES, 1860-1870.

In shaded counties the rate of increase was greater than the rate for the state, 8.01 per cent. Counties marked O suffered an absolute loss of whites. See *ante*, p. 15.



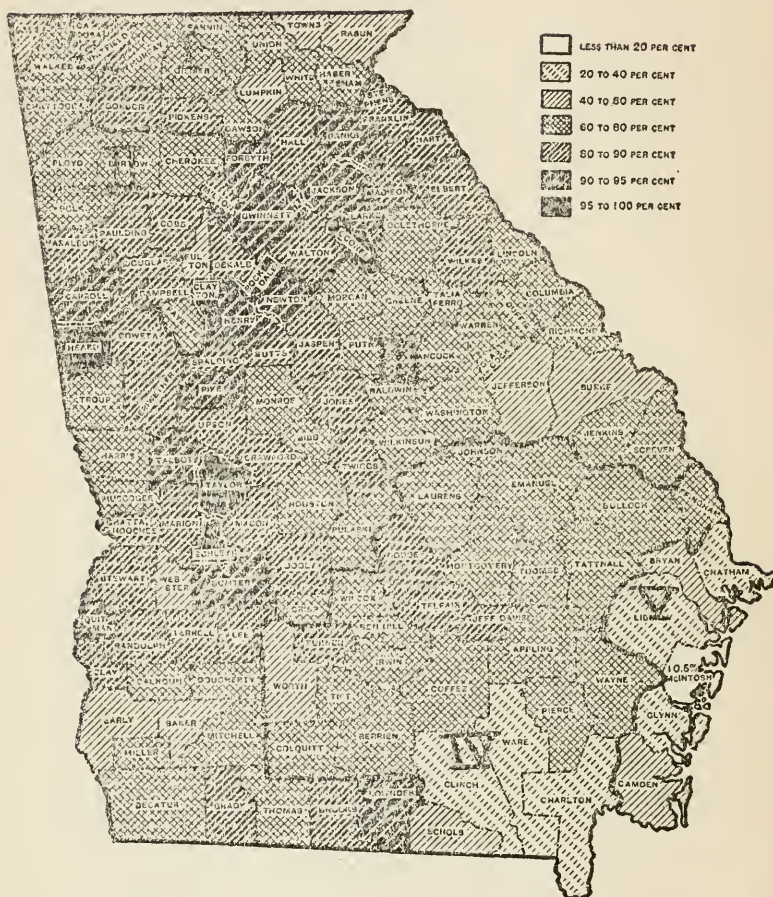
MIGRATION OF NEGROES, 1860-1870.

In shaded counties negroes increased more than average for state. Counties marked O suffered an absolute loss of negro population. Rate of increase for state, 17.06 per cent. See *Ante*, pp. 15, 16.



THE FIVE SECTIONS OF GEORGIA, WITH PERCENTAGE WHITES FORMED OF TOTAL POPULATION IN 1910.

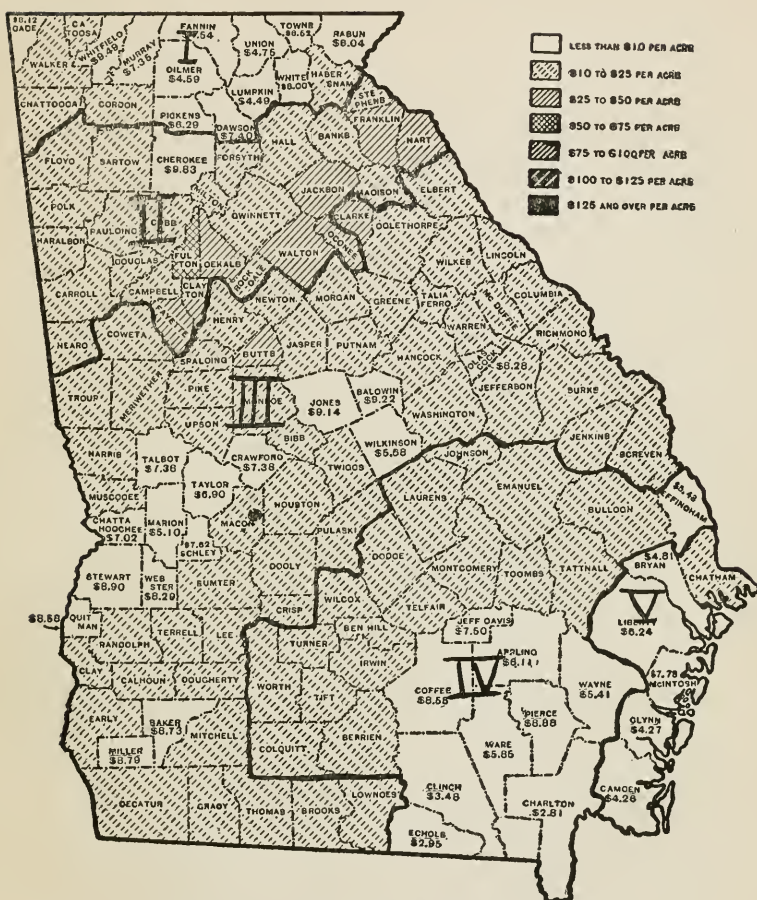
See *ante*, pp. 69.



PERCENTAGE OF LAND AREA IN FARMS.

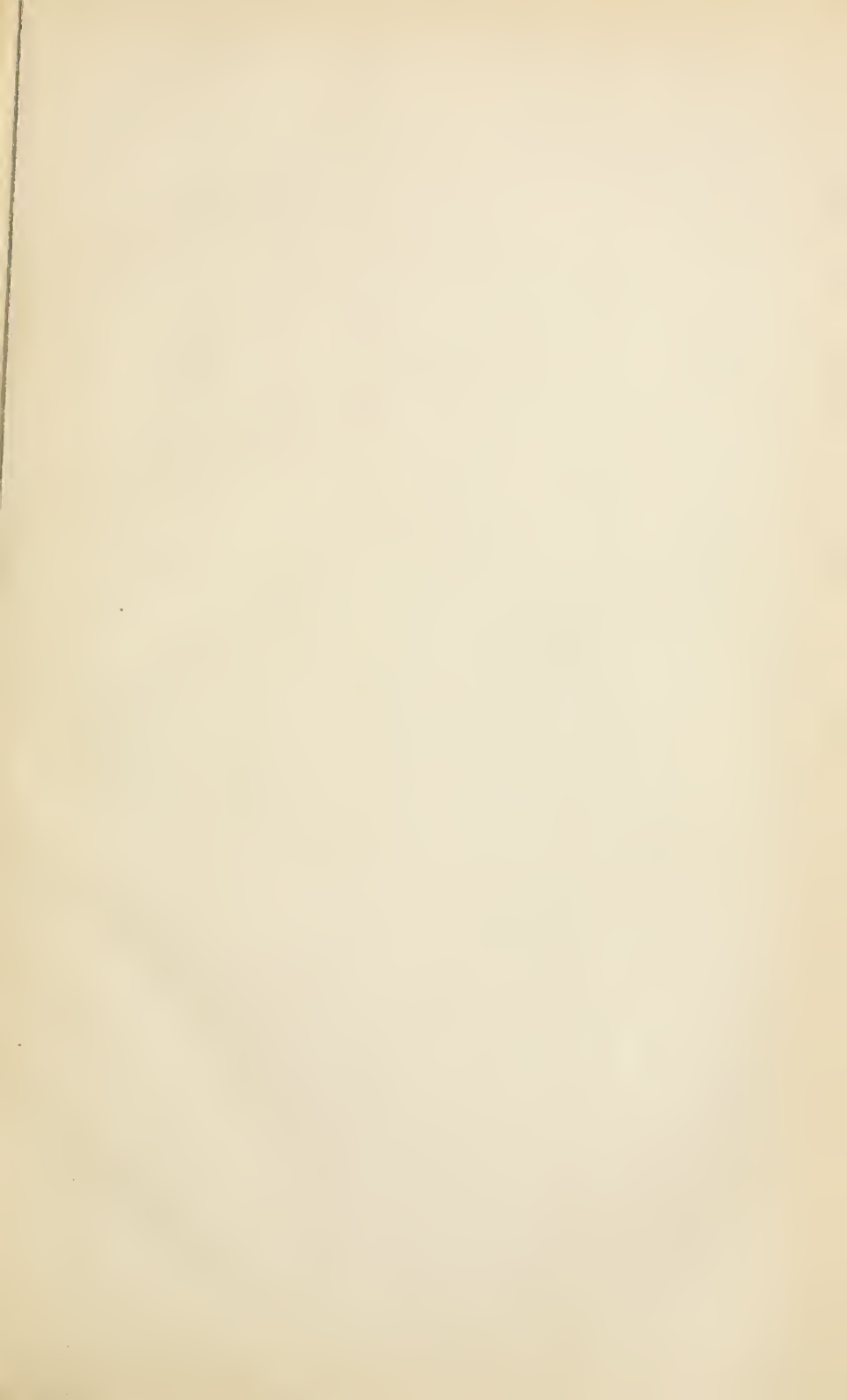
Percentage for the state, 71.7. The percentage of land area in farms, when less than 20, is inserted under the county name.

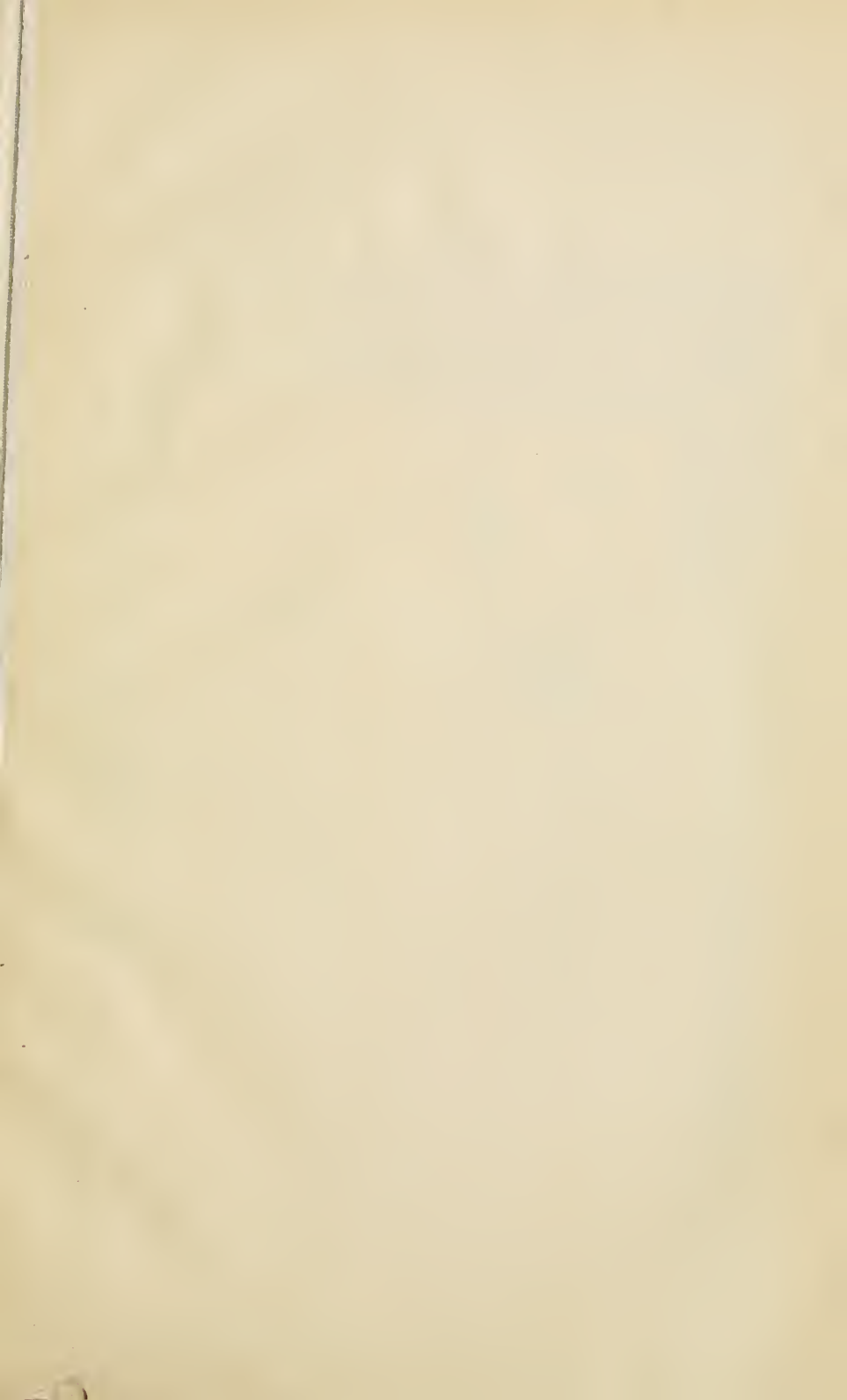
Reproduction from U. S. Census, 1910. Abstract with Supplement for Georgia, p. 640. The five sections of Georgia (see *ante*, p. 69) have been delimited.

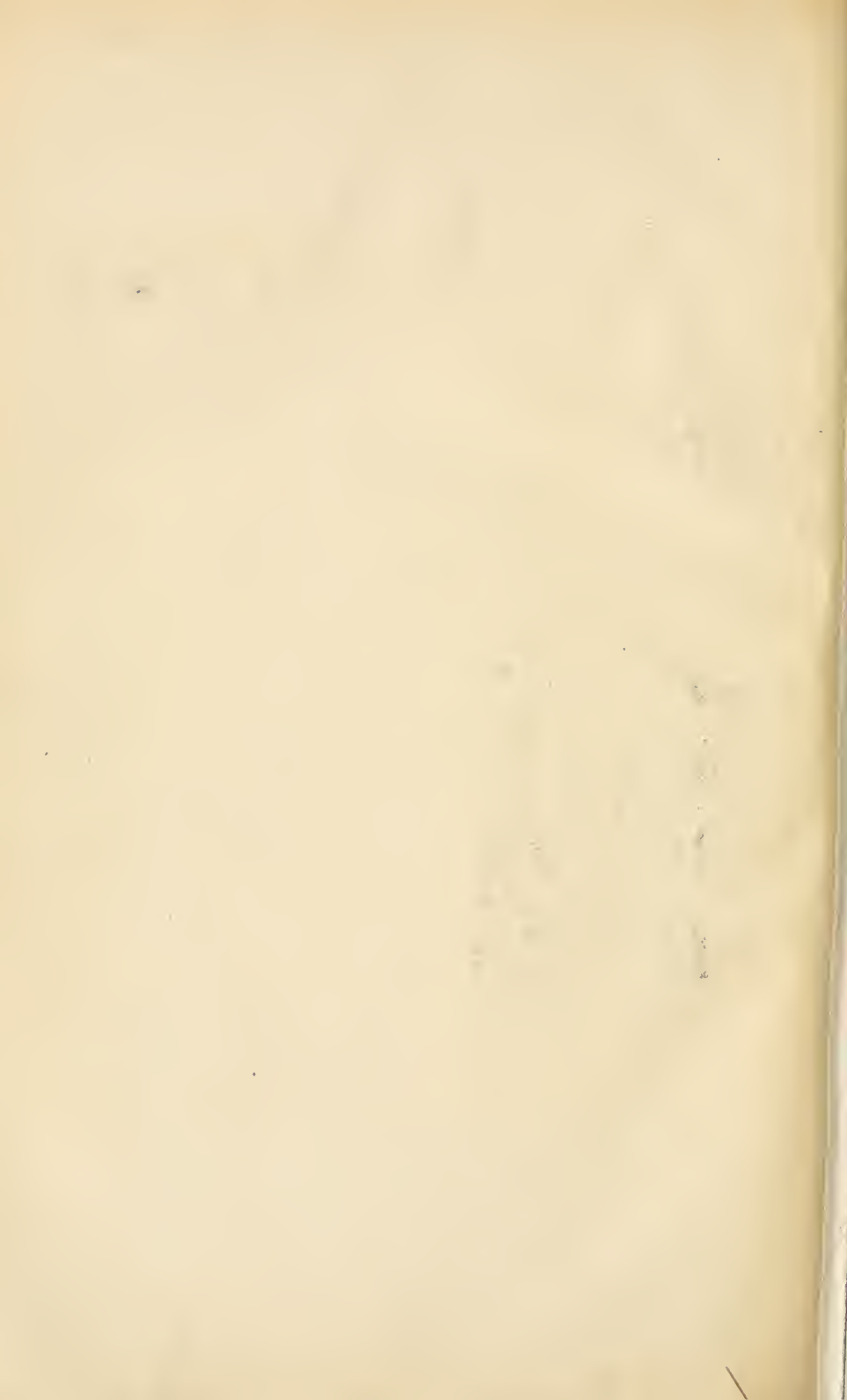


AVERAGE VALUE OF FARM LAND PER ACRE.

Average for the state, \$13.74. When the value is less than \$10 per acre, it is inserted under the county name.
 Reproduced from U. S. Census 1910. Abstract with Supplement for Georgia, p. 640.







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